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Ontario

Law's Statutes

Statutes of the province of Ontario



STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Twenty-Fourth Year of the
Reign of Her Majesty
QUEEN ELIZABETH II

Being the Fifth Session of the Twenty-Ninth
Legislature of Ontario

CONVENED ON THE 11TH DAY OF MARCH, 1975

LEGISLATURE DISSOLVED ON THE 11TH DAY OF AUGUST, 1975

HER HONOUR PAULINE M. MCGIBBON
LIEUTENANT GOVERNOR

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO
1975



TABLE OF CONTENTS

	PAGE
Index to Statutes, 1975.....	799
Table of Public Statutes and Amendments: R.S.O. 1970; 1971; 1971 (2nd Session); 1972; 1973; 1974; 1975.....	849
Table of Proclamations: R.S.O. 1970; 1971; 1971 (2nd Session); 1972; 1973; 1974; 1975.....	867
Table of Regulations filed under The Regulations Act to July 25th, 1975.....	873

PART I

PUBLIC ACTS

24 Eliz. II
(1975)
Chap.

31 — The Administration of Courts Project Act, 1975.....	(Bill 80)	293
84 — The Ambulance Amendment Act, 1975.....	(Bill 138)	681
1 — The Child Welfare Amendment Act, 1975.....	(Bill 4)	1
74 — The Colleges Collective Bargaining Act, 1975.....	(Bill 108)	551
17 — The Corporations Tax Amendment Act, 1975.....	(Bill 36)	145
86 — The Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1975.....	(Bill 142)	689
79 — The Drainage Act, 1975.....	(Bill 130)	613
77 — The Education Amendment Act, 1975.....	(Bill 118)	607
12 — The Election Finances Reform Act, 1975.....	(Bill 3)	71
83 — The Election Finances Reform Amendment Act, 1975...	(Bill 137)	679
69 — The Environmental Assessment Act, 1975.....	(Bill 14)	475
70 — The Environmental Protection Amendment Act, 1975...	(Bill 15)	501
19 — The Expropriations Amendment Act, 1975.....	(Bill 43)	255
41 — The Family Law Reform Act, 1975.....	(Bill 75)	349

	PAGE
6 — The Farm Products Marketing Amendment Act, 1975... (Bill 37)	33
38 — The Fatal Accidents Amendment Act, 1975..... (Bill 90)	313
20 — The Forestry Amendment Act, 1975..... (Bill 59)	257
11 — The Gasoline Tax Amendment Act, 1975..... (Bill 34)	69
15 — The Gift Tax Amendment Act, 1975..... (Bill 32)	135
51 — The City of Hamilton Act, 1975..... (Bill 120)	417
63 — The Health Disciplines Amendment Act, 1975..... (Bill 125)	461
52 — The Health Insurance Amendment Act, 1975..... (Bill 95)	419
62 — The Health Insurance Registration Board Repeal Act, 1975 (Bill 124)	459
3 — The Highway Traffic Amendment Act, 1975 (No. 1)..... (Bill 12)	23
37 — The Highway Traffic Amendment Act, 1975 (No. 2)..... (Bill 89)	311
64 — The Highway Traffic Amendment Act, 1975 (No. 3)..... (Bill 127)	463
78 — The Highway Traffic Amendment Act, 1975 (No. 4)..... (Bill 129)	609
36 — The Horticultural Societies Amendment Act, 1975..... (Bill 88)	305
16 — The Income Tax Amendment Act, 1975..... (Bill 35)	141
88 — The Insurance Amendment Act, 1975..... (Bill 144)	693
30 — The Judicature Amendment Act, 1975..... (Bill 79)	289
25 — The Juries Amendment Act, 1975..... (Bill 1)	271
76 — The Labour Relations Amendment Act, 1975..... (Bill 111)	593
89 — The Legislative Assembly Retirement Allowances Amendment Act, 1975..... (Bill 146)	697
27 — The Liquor Control Act, 1975..... (Bill 44)	275
40 — The Liquor Licence Act, 1975..... (Bill 45)	317
43 — The Mechanics' Lien Amendment Act, 1975..... (Bill 92)	365
59 — The Mineral Emblem Act, 1975..... (Bill 117)	447

TABLE OF CONTENTS

v

24 Eliz. II
(1975)
Chap.

	PAGE
29 — The Ministry of Colleges and Universities Amendment Act, 1975 (No. 1)..... (Bill 78)	287
75 — The Ministry of Colleges and Universities Amendment Act, 1975 (No. 2)..... (Bill 109)	591
26 — The Ministry of Community and Social Services Amendment Act, 1975..... (Bill 39)	273
18 — The Ministry of Culture and Recreation Amendment Act, 1975 (Bill 38)	249
53 — The Ministry of Health Amendment Act, 1975..... (Bill 96)	425
44 — The Ministry of Transportation and Communications Creditors Payment Act, 1975..... (Bill 93)	371
28 — The Mortgage Brokers Amendment Act, 1975..... (Bill 76)	281
10 — The Motor Vehicle Fuel Tax Amendment Act, 1975.... (Bill 33)	63
8 — The Municipal Amendment Act, 1975 (No. 1)..... (Bill 41)	51
56 — The Municipal Amendment Act, 1975 (No. 2)..... (Bill 107)	431
35 — The Municipal Elderly Resident's Assistance Amendment Act, 1975..... (Bill 85)	303
23 — The Municipal Elections Amendment Act, 1975..... (Bill 69)	267
33 — The Municipal Tax Assistance Amendment Act, 1975... (Bill 83)	299
22 — The Municipality of Metropolitan Toronto Amendment Act, 1975 (No. 1)..... (Bill 68)	261
50 — The Municipality of Metropolitan Toronto Amendment Act, 1975 (No. 2)..... (Bill 114)	415
68 — The Niagara Escarpment Planning and Development Amendment Act, 1975..... (Bill 135)	473
42 — The Ombudsman Act, 1975..... (Bill 86)	353
58 — The Ontario Agricultural Museum Act, 1975..... (Bill 116)	441
87 — The Ontario Heritage Amendment Act, 1975..... (Bill 143)	691
4 — The Ontario Home Buyers Grant Act, 1975..... (Bill 28)	25
5 — The Ontario Loan Act, 1975..... (Bill 29)	31

34 — The Ontario Municipal Employees Retirement System Amendment Act, 1975.....	(Bill 84)	301
55 — The Ontario Transportation Development Corporation Amendment Act, 1975.....	(Bill 105)	429
7 — The Ontario Unconditional Grants Act, 1975.....	(Bill 40)	39
71 — The Ontario Water Resources Amendment Act, 1975...	(Bill 16)	505
49 — The County of Oxford Amendment Act, 1975.....	(Bill 113)	413
66 — The Petroleum Products Price Freeze Act, 1975.....	(Bill 133)	467
2 — The Pollution Abatement Incentive Amendment Act, 1975	(Bill 8)	21
67 — The Pounds Amendment Act, 1975.....	(Bill 134)	471
54 — The Pregnant Mare Urine Farms Amendment Act, 1975	(Bill 104)	427
81 — The Provincial Schools Negotiations Act, 1975.....	(Bill 132)	667
61 — The Public Health Amendment Act, 1975.....	(Bill 123)	453
65 — The Public Lands Amendment Act, 1975.....	(Bill 128)	465
73 — The Public Service Superannuation Amendment Act, 1975	(Bill 103)	541
45 — The Public Works Creditors Payment Repeal Act, 1975	(Bill 94)	375
46 — The Regional Municipalities Amendment Act, 1975.....	(Bill 101)	377
13 — The Representation Act, 1975.....	(Bill 22)	103
9 — The Retail Sales Tax Amendment Act, 1975.....	(Bill 30)	55
24 — The Royal Canadian Legion Act, 1975.....	(Bill 74)	269
72 — The School Boards and Teachers Collective Negotiations Act, 1975.....	(Bill 100)	509
57 — The Stock Yards Amendment Act, 1975.....	(Bill 115)	439
14 — The Succession Duty Amendment Act, 1975.....	(Bill 31)	127
82 — The Superannuation Adjustment Benefits Act, 1975.....	(Bill 136)	671
85 — The Teachers' Superannuation Amendment Act, 1975...	(Bill 139)	683
48 — The Territorial Division Amendment Act, 1975.....	(Bill 112)	397

24 Eliz. II
(1975)
Chap.

	PAGE
60 — The Theatres Amendment Act, 1975..... (Bill 119)	449
32 — The City of Thorold Act, 1975..... (Bill 81)	297
80 — The Tile Drainage Amendment Act, 1975..... (Bill 131)	663
21 — The Training Schools Amendment Act, 1975..... (Bill 64)	259
39 — The Trustee Amendment Act, 1975..... (Bill 91)	315
47 — The Workmen's Compensation Amendment Act, 1975... (Bill 106)	391

PART II

PRIVATE ACTS

90 — The City of Brantford Act, 1975 (No. 1)..... (Bill Pr3)	701
91 — The City of Brantford Act, 1975 (No. 2)..... (Bill Pr17)	703
92 — The Township of Bruce Act, 1975..... (Bill Pr25)	705
93 — The Town of Cobourg Act, 1975..... (Bill Pr21)	707
94 — The Borough of Etobicoke Act, 1975 (No. 1)..... (Bill Pr8)	711
95 — The Borough of Etobicoke Act, 1975 (No. 2)..... (Bill Pr9)	717
96 — The Township of Goulbourn Act, 1975..... (Bill Pr13)	719
97 — The City of Hamilton Act, 1975 (No. 1)..... (Bill Pr4)	721
98 — The City of Hamilton Act, 1975 (No. 2)..... (Bill Pr5)	723
99 — The City of Hamilton Act, 1975 (No. 3)..... (Bill Pr6)	725
100 — The Harford Limited Act, 1975..... (Bill Pr32)	729
101 — The Huron College Act, 1975..... (Bill Pr23)	731
102 — The Town of Kapuskasing Act, 1975..... (Bill Pr26)	737
103 — The City of Kingston Act, 1975..... (Bill Pr18)	739
104 — The City of London Act, 1975..... (Bill Pr28)	743
105 — The Borough of North York Act, 1975..... (Bill Pr15)	749

24 Eliz. II
(1975)
Chap.

	PAGE
106 — The City of Ottawa Act, 1975..... (Bill Pr14)	751
107 — The Protestant Children's Village, Ottawa Act, 1975... (Bill Pr1)	753
108 — The Quinn Lumber & Builders' Supply Company, Limited Act, 1975..... (Bill Pr7)	757
109 — The City of Sarnia Act, 1975..... (Bill Pr34)	759
110 — The City of Sault Ste. Marie Act, 1975..... (Bill Pr27)	763
111 — The Borough of Scarborough Act, 1975..... (Bill Pr22)	765
112 — The Town of Seaforth Act, 1975..... (Bill Pr2)	767
113 — The Sheridan Place Act, 1975..... (Bill Pr12)	769
114 — The City of St. Catharines Act, 1975..... (Bill Pr11)	773
115 — The St. Margaret's School (Elora) Act, 1975..... (Bill Pr16)	775
116 — The City of Toronto Act, 1975 (No. 1)..... (Bill Pr24)	779
117 — The City of Toronto Act, 1975 (No. 2)..... (Bill Pr29)	787
118 — The City of Toronto Act, 1975 (No. 3)..... (Bill Pr33)	793
119 — The City of Windsor Act, 1975..... (Bill Pr30)	795
120 — The Borough of York Act, 1975..... (Bill Pr10)	797

PART I
PUBLIC ACTS

Chapters 1 to 89

CHAPTER 1

An Act to amend The Child Welfare Act

Assented to March 26th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *c* of section 1 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:
- s. 1 (a) (c),
re-enacted

(a) “approved estimate” means the estimate of net expenditures of a children’s aid society finally approved under sections 8 to 11;

.

(c) “Director” means a director appointed for all or any of the purposes of this Act.

2. Subsection 1 of section 2 of the said Act is repealed.
- s. 2 (1),
repealed

- 3.—(1) Subsection 1 of section 3 of the said Act is amended by inserting after “county” in the second line “or district”.
- s. 3 (1),
amended

- (2) Clause *a* of subsection 1 of the said section 3 is repealed and the following substituted therefor:
- s. 3 (1) (a),
re-enacted

(a) relating to any person in the care of a children’s aid society; or

.

4. Section 8 of the said Act is repealed and the following substituted therefor:
- s. 8,
re-enacted

8.—(1) Every children’s aid society shall before a date to be fixed each year by the Director, which date shall be no later than the last day of February in the year next following, prepare and file with the Director and, subject to section 10, with each municipality in the area in which the society has jurisdiction, an estimate of its net expenditures as defined by

Estimate of
expenditures

the regulations for operations, for the year next following, and the council of every municipality with whom the estimate is filed shall, subject to subsection 1 of section 11, grant its approval to the estimate within sixty days of the date fixed by the Director.

Proportion
referable
to each
municipality

(2) Where a children's aid society has jurisdiction in more than one municipality, the portion of the estimate of net expenditures that is referable to each municipality shall be determined in accordance with the regulations.

Exception
R.S.O. 1970,
c. 132

(3) Subsection 2 does not apply where a district welfare administration board has been established under *The District Welfare Administration Boards Act*.

s. 9,
re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

Approval by
Minister

9.—(1) After the estimate of net expenditures has been filed with the Director and approved by the council of each municipality with whom it was filed pursuant to subsection 1 of section 8, the Minister may approve the estimate as filed or he may, subject to subsection 2, vary the amount of the estimate and approve the estimate as so varied.

Notice by
Minister

(2) Where the Minister intends to vary the amount of the estimate and to approve the estimate as so varied he shall, at least thirty days prior to the approval, give notice of his intention to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the District Child Welfare Budget Board, as the case may be.

s. 10 (2),
amended

6.—(1) Subsection 2 of section 10 of the said Act is amended by striking out "31st day of January" in the third line and inserting in lieu thereof "1st day of October".

s. 10 (3),
amended

(2) Subsection 3 of the said section 10 is amended by inserting after "of" where it occurs the first time in the first line "net" and by striking out "9" in the fourth line and inserting in lieu thereof "8".

s. 11 (1),
amended

7.—(1) Subsection 1 of section 11 of the said Act is amended by striking out "25th day of April" in the fifth line and inserting in lieu thereof "expiration of the period of time fixed under subsection 1 of section 8, for the approval of the estimate by the municipality or the District Child Welfare Budget Board, as the case may be" and by striking out "9 or 10 and submitting it to the Minister" in the sixth and seventh lines and inserting in lieu thereof "8 or 10".

- (2) Subsection 2 of the said section 11 is repealed and the following substituted therefor: s. 11 (2), re-enacted

(2) Where a children's aid society, the council of a municipality or a District Child Welfare Budget Board does not agree with the amount of the estimate that the Minister intends to approve as varied under subsection 2 of section 9, any one of them may, before the Minister's approval is given under subsection 2 of section 9, request him to refer the matter to a child welfare review committee. Idem

8. Section 12 of the said Act is repealed and the following substituted therefor: s. 12, re-enacted

12.—(1) There shall be paid out of the moneys appropriated therefor by the Legislature to each children's aid society an amount determined in accordance with the regulations of the approved estimate of the society. Payments by Ontario

(2) Every municipality shall pay to the children's aid society having jurisdiction in the municipality an amount determined in accordance with the regulations of the portion determined in accordance with section 8, of the approved estimate of the society that is referable to the municipality. Payments by municipality

(3) Any amount payable to a children's aid society under this section, in respect of an approved estimate including advances before such estimate is approved, may be paid at such times and in such manner as are determined by the Minister. Manner of payment

9. Section 13 of the said Act is repealed. s. 13, repealed

10. Section 16 of the said Act is repealed. s. 16, repealed

11. The heading to Part II of the said Act is repealed and the following substituted therefor: Part II, amended

PROTECTION AND CARE OF CHILDREN

- 12.—(1) Subclause i of clause *b* of subsection 1 of section 20 of the said Act is amended by striking out "who is an orphan and who is not being properly cared for, or any child" in the first and second lines. s. 20 (1) (b) (i), amended

- (2) Subclause ii of clause *b* of subsection 1 of the said section 20 is amended by striking out "or where that person has died or is unable to care properly for him" in the second and third lines. s. 20 (1) (b) (ii), amended

s. 20 (1)
(b) (iii),
re-enacted

- (3) Subclause iii of clause *b* of subsection 1 of the said section 20 is repealed and the following substituted therefor:

(iii) a child where the person in whose charge he is cannot for any reason care properly for him, or where that person has died and there is no suitable person to care for the child.

s. 20 (1)
(b) (vii),
repealed

- (4) Subclause vii of clause *b* of subsection 1 of the said section 20 is repealed.

s. 20 (2),
amended

- (5) Subsection 2 of the said section 20 is amended by adding at the commencement thereof "Subject to subsection 8 of section 27".

s. 21,
amended

- 13.**—(1) Section 21 of the said Act is amended by striking out "may take without warrant to a place of safety any child apparently in need of protection and detain the child there until the child can be brought before a judge" in the third, fourth and fifth lines and inserting in lieu thereof "who has reasonable and probable grounds to believe that any child is apparently in need of protection, may without warrant take the child to a place of safety and detain the child there until the matter can be brought before a judge".

s. 21,
amended

- (2) The said section 21 is further amended by adding thereto the following subsections:

Right of
entry

(2) Where a person authorized under subsection 1 has reasonable and probable grounds to believe that a child apparently in need of protection is on any premises, he may without warrant enter the premises, if need be by force, and without warrant search for and remove the child from the premises.

1971, c. 47,
not to apply

- (3) The provisions of *The Statutory Powers Procedure Act, 1971* do not apply to proceedings under this section.

s. 22 (1) (b),
amended

- 14.** Clause *b* of subsection 1 of section 22 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 109, section 3, is further amended by inserting after "child" in the first line "has unlawfully departed or".

ss. 22a, 23a,
enacted

- 15.** The said Act is amended by adding thereto the following sections:

Interpre-
tation

22a.—(1) In this section, "homemaker" means a person approved by the local director or Director and who remains or is placed on a premises for the purpose of caring for a child.

(2) Where it appears to a person entering on a premises pursuant to section 21 or 22 that a child, who in the opinion of that person is unable to look after and care for himself, has been temporarily left on the premises without proper or competent care or supervision, and that a person having charge of the child is not available or is unable to consent to the placement of a homemaker on the premises, the person entering the premises, instead of taking the child to a place of safety, may,

Homemaker
may remain
on premises

- (a) remain on the premises; or
- (b) arrange with a children's aid society for the placement of a homemaker on the premises,

for the purpose of caring for the child and thereafter, subject to subsections 6, 7 and 8, the provisions of sections 24 to 30 apply *mutatis mutandis* to the child.

(3) A homemaker remaining or placed on a premises pursuant to subsection 2 may,

Idem

- (a) enter and live on the premises; and
- (b) carry on normal housekeeping activities on the premises,

in such manner and to such extent as is reasonably necessary to care for the child and may exercise reasonable control and discipline over the child.

(4) Where a homemaker remains or is placed on a premises pursuant to subsection 2, the society or the Director, as the case may be, may provide, on the premises, goods and services necessary to properly care for the child.

Society or
Director may
provide goods
and services

(5) A homemaker who enters on a premises pursuant to section 21 or 22 or who remains or is placed on a premises pursuant to subsection 2 so long as he is acting in good faith with reasonable care in the circumstances, is not liable for damages,

Protection
from
personal
liability

- (a) for entering the premises;
- (b) in connection with or arising out of the carrying on of normal housekeeping activities on the premises;
- (c) for providing goods and services necessary to care for any child on the premises; or
- (d) for exercising reasonable control and discipline over any child on the premises.

Notice to parent

(6) Where a homemaker remains or is placed on a premises pursuant to subsection 2, the society shall forthwith notify or make every reasonable effort to notify the parent or other person having charge of the child immediately before the homemaker entered the premises, of the placement of the homemaker on the premises.

Order of judge

(7) Notwithstanding subsection 1 of section 26, where an application is made to a judge under section 25, the judge may order the homemaker to withdraw from the premises or may confirm the placement or entry of the homemaker on the premises for a period as the judge deems necessary or until a parent or a person having custody of the child returns to care for the child but, subject to subsection 8, not to exceed thirty days.

Extension of period of order

(8) Where a parent or person having custody of the child has not returned before the end of the period set out in the order referred to in subsection 7, a judge may, upon application therefor either before or after the expiration of the period of the order, extend the period for such further period of time as he deems necessary or after a further hearing may make such further order under subsection 1 of section 26 as he deems necessary in the interest of the welfare of the child.

.

Interpre-
tation

23a.—(1) In this section, “parent” means a person who is under a legal duty to provide for a child, or a guardian, or a person standing *in loco parentis* to a child other than a person appointed for the purpose under this Act.

Voluntary care

(2) Subject to the approval of the children’s aid society having jurisdiction in the area where the parent resides, or the Minister, a parent,

(a) who through circumstances of a temporary nature is unable to make adequate provision for his child; or

(b) who is unable to provide the services required by his child because of the special needs of the child,

may voluntarily place the child into the care, custody or under the supervision of the society or of the Crown, as the case may be.

Non-ward agreements

(3) Where a society or the Minister agrees to receive a child into the care, custody or under the supervision of the society or of the Crown, as the case may be, with the consent or at the request of a parent of the child and without an

order under this Part respecting the care, custody or supervision of the child, the society or the Minister, as the case may be, shall enter into a written agreement with the parent or parents for the care, custody or supervision of the child for such period of time, subject to subsections 4 and 6, as may be agreed between the parties to the agreement.

(4) An agreement entered into pursuant to subsection 3 in respect of a child referred to in clause *a* of subsection 2, shall be for a period not exceeding twelve months provided that the parent or parents and the society where the Director approves or the parent or parents and the Crown, as the case may be, may from time to time agree, subject to subsection 6, to extend the agreement for a further period or periods of time, that shall not exceed an aggregate of twelve months, and may agree to vary any other term or condition thereof not prescribed by the regulations. Extension of agreement

(5) No agreement with a parent under this section is invalid by reason only of the fact that the parent entering into it is under eighteen years of age. Agreement not invalid by reason of age

(6) Any party to an agreement made under this section, at any time during the period of the agreement or any extension thereof, upon giving at least fifteen days notice in writing to the other party or parties, as the case may be, may terminate the agreement. Termination of agreement

(7) As soon as is practicable, and within the period specified in the notice referred to under subsection 6, the society or the Minister, as the case may be, shall, Return of the child

(a) where applicable, return the child to the parent or other person in whose charge the child was at the time the agreement was made; or

(b) bring the matter before a judge to determine whether the child is or would be if left in the charge of or returned to the parent, as the case may be, a child in need of protection and thereafter the provisions of sections 24 to 30 apply *mutatis mutandis* to the child.

16. Section 24 of the said Act is repealed and the following substituted therefor: s. 24, re-enacted

24.—(1) As soon as is practicable and within five days of detaining a child in a place of safety under section 21 or clause *a* of subsection 1 of section 22, or of assuming the care of a child under section 22*a*, as the case may be, Detention limited

- (a) the matter shall be brought before a judge to determine whether the child is a child in need of protection; or
- (b) the child shall be returned to the parent or person in whose charge he was immediately prior to his apprehension or to the assumption of his care, as the case may be.

Voluntary
care or
supervision

(2) Subsection 1 does not apply to a child in the care, custody or under the supervision of a children's aid society pursuant to an agreement entered into under section 23*a*.

s. 25 (1),
re-enacted

17.—(1) Subsection 1 of section 25 of the said Act is repealed and the following substituted therefor:

Hearing
to be held

(1) Where an application is made to a judge respecting a child apparently in need of protection, there shall be a hearing to determine whether or not the child is in need of protection, and where the judge finds that the child is in need of protection, the judge shall also determine the child's age, name, the location where the child was taken into protection and, subject to section 37, the religious faith of the child.

s. 25 (2),
amended

(2) Subsection 2 of the said section 25 is amended by inserting after "judge" in the first line "or a justice of the peace" and by inserting after "and" where it occurs the second time in the third line "the judge".

s. 25 (4),
re-enacted

(3) Subsection 4 of the said section 25 is repealed and the following substituted therefor:

Notice

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause the parent or such other person to be notified.

s. 25 (4*a*),
amended

(4) Subsection 4*a* of the said section 25, as enacted by the Statutes of Ontario, 1972, chapter 109, section 4, is amended by striking out "the child of an unmarried mother" in the first line and inserting in lieu thereof "born out of wedlock".

s. 25 (5),
repealed

(5) Subsection 5 of the said section 25 is repealed.

s. 25 (7),
amended

(6) Subsection 7 of the said section 25 is amended by striking out "5" in the third line and in the sixth line.

(7) Subsection 8 of the said section 25 is amended by striking out "5" in the first line and in the sixth line. s. 25 (8), amended

18. Section 26 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 75, section 2, is further amended by adding thereto the following subsections: s. 26, amended

(2) Where a judge has committed a child to the charge of a children's aid society under paragraph *h* of subsection 1 of section 20 of the *Juvenile Delinquents Act* (Canada), the child shall be deemed to be committed to the children's aid society under clause *b* of subsection 1, Period of committal R.S.C. 1970, c. J-3

(a) where the order is for a fixed period that does not exceed twelve months, for the period specified in the order; or

(b) where the order is for an indefinite period or exceeds twelve months, for twelve months.

(3) A judge shall give reasonable notice to a children's aid society before committing a child to the charge of the society under paragraph *h* of subsection 1 of section 20 of the *Juvenile Delinquents Act* (Canada). Notice

19.—(1) Subsection 1, and subsection 2 as amended by the Statutes of Ontario, 1973, chapter 75, section 3, of section 27 of the said Act are repealed and the following substituted therefor: s. 27 (1, 2), re-enacted

(1) Subject to subsection 2, where a child is found to be a child in need of protection and, Payment by parent

(a) is committed to the care of a children's aid society; or

(b) is placed with a person other than his parent subject to supervision by a children's aid society,

the judge may order the parent or parents or the estate of the parent or parents to pay the children's aid society such sum at such intervals as the judge considers proper for each day the child is in the care or under the supervision, as the case may be, of the society.

(2) An order made under subsection 1 shall not extend beyond the date when the child attains sixteen years of age or where he is in full time attendance at an educational institution beyond the date when he attains eighteen years of age. Idem

(2a) A judge may vary or rescind the order under sub- Varying payments by parent

section 1 where the circumstances of the child or either parent have changed.

s. 27 (5),
re-enacted

(2) Subsection 5 of the said section 27, as amended by the Statutes of Ontario, 1973, chapter 75, section 3, is repealed and the following substituted therefor:

Further
order

(5) Where an order has been made under clause *a* of subsection 1 of section 26, the society may at any time and shall, before the expiration of the period of supervision, bring the case again before a judge for further consideration and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under subsection 1 of section 26 and may terminate the order and make a further order under this Part as he deems necessary in the interest of the welfare of the child.

s. 24 (1),
to apply

(6) The provisions of subsection 1 of section 24 apply to a child removed by a children's aid society from the parent or person with whom the child has been placed pursuant to an order under clause *a* of subsection 1 of section 26 for the purpose of bringing the case again before a judge under subsection 5.

Termination
of order

(7) Where a child has been placed under the supervision of a society pursuant to an order made under clause *a* of subsection 1 of section 26, a parent of the child may, after the expiration of six months of the period of supervision and upon giving notice to the society, apply to a judge for termination of the order and,

(a) where the judge is satisfied that the termination is in the best interests of the child, he may terminate the order; or

(b) the judge may make such further order under this Part as he deems necessary in the interest of the welfare of the child.

Jurisdiction
of judge

(8) Notwithstanding subsection 2 of section 20, an application under subsection 5 or 7 may be heard by a judge presiding in a provincial court (family division) established for the county or district in which the parent or other person with whom the child was placed pursuant to the order made under clause *a* of subsection 1 of section 26, resides at the time of the application.

Jurisdiction
of society

(9) Notwithstanding section 26, where, pursuant to subsection 5 or 7, a judge makes a further order under subsection 1 of section 26, the children's aid society in the area where

the parent, or other person with whom the child was placed pursuant to the order made under clause *a* of subsection 1 of section 26, resides at the time of the application shall be given supervision or committal, as the case may be, of the child.

- 20.** Section 31 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 75, section 4, is further amended by adding thereto the following subsection: s. 31,
amended

(2) Where a child is a ward of a children's aid society, a parent of the child may, after the expiration of six months from the last order made under clause *b* of subsection 1 of section 26, and upon giving notice to the society, apply to a judge for termination of the order and, Application
for
termination
of order

- (a) where the judge is satisfied that the termination is in the best interests of the child, he may terminate the order; or
- (b) the judge may make such further order under this Part as he deems necessary in the interest of the welfare of the child, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months.

- 21.** Subsection 1 of section 32 of the said Act is repealed and the following substituted therefor: s. 32 (1),
re-enacted

(1) Subject to subsection 2, where a child has been committed as a ward of the Crown, Application
to terminate
Crown
wardship

- (a) the children's aid society having the care of the ward, upon giving notice to the Director, and subject to subsection 1*a*, to a parent of the ward and the ward;
- (b) a parent of the ward upon giving notice to the Director and the ward; or
- (c) the ward upon attaining the age of sixteen years and upon giving notice to the Director,

may apply to a judge for an order terminating the Crown wardship, and, where the judge is satisfied that the termination is in the best interests of the ward, he shall order that the Crown wardship be terminated.

- (1*a*) Notwithstanding subsection 1, a notice is not required, Notice not
required

(a) to a parent of the ward, where the ward has attained the age of sixteen years; or

(b) to a ward where the ward has not attained the age of sixteen years,

where an application is made under that subsection.

s. 36.
re-enacted

22. Section 36 of the said Act is repealed and the following substituted therefor:

Appeal to
county court
judge

36.—(1) A decision granting or refusing an order under this Part in respect of a child may be appealed by,

(a) a parent or other person in whose charge the child may have been at the time of his apprehension;

(b) the local director; or

(c) a next friend on behalf of the child,

to the judge of the county or district court of the county or district in which the decision was made and the rules of the Supreme Court relating to appeals shall apply *mutatis mutandis* to an appeal under this section.

Idem

(2) Where a judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of in the said county or district by any other county or district court judge.

Notice of
appeal

(3) The appeal shall be made by serving a copy of the notice of appeal upon the judge making the decision being appealed, upon the local director and upon the other parties to the proceedings within thirty days after the date of the making of the decision or such longer period as the judge of the county or district court may order.

Record

(4) The judge making the decision being appealed shall, within seven days from the time the notice of appeal is served on him, forward to the county or district court in which the notice of appeal is filed,

(a) a record of the proceedings before him in which the decision or order appealed from was made; and

(b) a certificate of the reporter stating that copies of the transcript of the oral evidence taken before the judge have been ordered,

and such record and transcript shall constitute the record in the appeal.

(5) The appeal shall be heard at the first sitting of the county or district court to be held, after the filing and serving of the notice of appeal.

Time for hearing of appeal

(6) On the hearing of the appeal and with leave of the judge of the county or district court hearing the appeal, further evidence relating to matters both preceding and subsequent to the making of the decision being appealed, may be received either by affidavit, oral examination or as may be directed by the judge.

New evidence

(7) An appeal under this section may be on question of law or fact or both, and the judge of the county or district court may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made or may refer the matter back to the judge making the decision being appealed for a new hearing together with such direction as the county or district judge considers proper.

Appeal on law or fact or both

(8) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal.

Appeal to Court of Appeal

23. Subsection 1 of section 43 of the said Act is repealed.

s. 43 (1), repealed

24. Subsection 2 of section 45 of the said Act is amended by striking out “The council of every city, town, village and township shall make provision” in the first and second lines and inserting in lieu thereof “Provision shall be made”.

s. 45 (2), amended

25. Section 54 of the said Act is amended by inserting after “judge” in the first line “or a justice of the peace” and by inserting after “and” in the fourth line “the judge”.

s. 54, amended

26. Subsection 1 of section 60 of the said Act is repealed and the following substituted therefor:

s. 60 (1), re-enacted

(1) Any money payable under an affiliation order made under section 59 shall be paid in accordance with the direction of a judge.

Payment of money under affiliation order

27. Section 61 of the said Act is repealed.

s. 61, repealed

28. Section 64 of the said Act is repealed and the following substituted therefor:

s. 64, re-enacted

64.—(1) The putative father or any person who is entitled to apply for an order under this Part may appeal a decision granting or refusing an order under this Part to the judge of the county or district court of the county or district in which the decision was made, and the rules of the Supreme Court

Appeal to county court judge

relating to appeals shall apply *mutatis mutandis* to an appeal under this section.

Idem

(2) Where a judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of in the said county or district by any other county or district court judge.

Notice of
appeal

(3) The appeal shall be made by serving a copy of the notice of appeal upon the judge making the decision being appealed, upon the local director and upon the other parties to the proceedings within thirty days after the date of the making of the decision or such longer period as the judge of the county or district court may order.

Record

(4) The judge making the decision being appealed shall, within seven days from the time the notice of appeal is served on him, forward to the county or district court in which the notice of appeal is filed,

(a) a record of the proceedings before him in which the decision or order appealed from was made; and

(b) a certificate of the reporter stating that copies of the transcript of the oral evidence taken before the judge have been ordered,

and such record and transcript shall constitute the record in the appeal.

Time for
hearing of
appeal

(5) The appeal shall be heard at the first sitting of the county or district court to be held, after the filing and serving of the notice of appeal.

New
evidence

(6) On the hearing of the appeal and with leave of the judge of the county or district court hearing the appeal, further evidence relating to matters both preceding and subsequent to the making of the decision being appealed, may be received either by affidavit, oral examination or as may be directed by the judge.

Appeal on
law or fact
or both

(7) An appeal under this section may be on question of law or fact or both, and the judge of the county or district court may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made or may refer the matter back to the judge making the decision being appealed for a new hearing together with such direction as the county or district judge considers proper.

Appeal to
Court of
Appeal

(8) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal.

- 29.**—(1) Subsection 1 of section 70 of the said Act is amended <sup>s. 70 (1),
amended</sup> by striking out “of” in the third line and by inserting after “order” in the fourth line “is filed”.
- (2) Subsection 4 of the said section 70, as amended by the <sup>s. 70 (4),
re-enacted</sup> Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor:
- (4) For the purpose of an application for an order for the <sup>Guardian
ad litem</sup> adoption of a child under eighteen years of age, the court may appoint a person to act as the guardian *ad litem* of the child before or upon the hearing of the application if in the opinion of the court such appointment is required to protect the legal interests of the child in the proceedings and the court may make such order as to the costs of the guardian *ad litem* as the court deems appropriate in the circumstances.
- (4a) For the purpose of an application under this Part, ^{Idem} where the parent of a child being adopted is under eighteen years of age, the Official Guardian shall be the guardian *ad litem* of the parent with the duty of safeguarding the legal interests of the parent in the proceeding unless the court appoints any other person to be guardian *ad litem* for this purpose, and the court may make such order as to the costs of the guardian *ad litem* as the court considers just.
- (4b) The court may dispense with the requirements of sub- ^{Idem} section 4a where the court is satisfied that the whereabouts of the parent of the child being adopted is unknown and that every reasonable effort has been made to discover the whereabouts of the parent.
- (3) Subsection 5 of the said section 70 is amended by striking <sup>s. 70 (5),
amended</sup> out “subsection 1” in the second line and inserting in lieu thereof “subsection 4 or 4a”.
- 30.**—(1) Subsection 1 of section 72 of the said Act, as amended by <sup>s. 72 (1),
amended</sup> the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding “or” at the end of clause *a*, by striking out clauses *b* and *c* and substituting therefor the following:
- (b) where the applicant is unmarried, a widow, a widower, a divorced person or living apart from his or her spouse,
-
- (2) The said section 72 is amended by adding thereto the <sup>s. 72,
amended</sup> following subsection:

Application of subs. 1	(1a) Subsection 1 does not apply to an application for adoption of a child by a natural parent of the child.
s. 72 (3), amended	(3) Subsection 3 of the said section 72 is amended by adding at the end thereof "provided that the court may dispense with such consent where the spouses are living apart and where the court considers it in the best interests of the child that the consent be dispensed with".
s. 73 (4), amended	31. —(1) Subsection 4 of section 73 of the said Act is amended by inserting after "child" in the first line "who is seven or more years of age".
s. 73 (7), amended	(2) Subsection 7 of the said section 73 is amended by inserting after "may" in the second line "subject to subsections 1 and 2".
s. 75, re-enacted	32. Section 75 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor:
Statement of Director	<p>75.—(1) Where an application is made to the court for the adoption of a child who is under eighteen years of age and who has not been married, the Director shall file with the court prior to the hearing of the application a statement in writing,</p> <p>(a) that the child has resided for six months or more with the applicant and, having regard to the conduct of the applicant and the conditions under which the child has lived during that period, recommending whether or not in the opinion of the Director, an order for the adoption of the child should be made; or</p> <p>(b) that the applicant is to the knowledge of the Director a proper person to have care and custody of the child and recommending that for reasons set out in the statement it is in the best interests of the child that the period of residence be dispensed with and an order for the adoption of the child should be made,</p> <p>and the Director, in making his recommendation under clause <i>a</i> or <i>b</i> may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before making or refusing the order.</p>
Filing of notice	(2) Where the Director recommends that an adoption order should not be made, he shall file a copy of his state-

ment under subsection 1 with the court at least thirty days prior to the hearing and he shall serve a copy of the statement upon the applicant within seven days after he filed it with the court.

(3) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the statement referred to in clause *a* of that subsection is sufficient if it is made by the local director. Statement
of local
director

(4) The Director or local director before making a recommendation under subsection 1 shall obtain a report of a homestudy of the applicant made by the local children's aid society with jurisdiction in the area where the applicant resides, or by such other person who, in the opinion of the Director or local director, as the case may be, is qualified to make the homestudy. Report

33.—(1) Subsection 1 of section 81 of the said Act is amended by striking out “with the written approval of” in the second line and inserting in lieu thereof “after considering any recommendation made by”. s. 81 (1),
amended

(2) Subsection 4 of the said section 81 is amended by striking out “the certificate mentioned in” in the fourth line and inserting in lieu thereof “a recommendation in favour of the order under”. s. 81 (4),
amended

34.—(1) Section 83 of the said Act is amended by adding thereto the following subsection: s. 83,
amended

(2*a*) In any will or other document, whether heretofore or hereafter in existence, and whether or not the maker of the will or other document was alive at the date of the coming into force of this section, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person. References
in will or
other
document

(2) Subsection 3 of the said section 83 is repealed and the following substituted therefor: s. 83 (3),
re-enacted

(3) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect, Application
of section

(*a*) any interest in property or right of the adopted child that has indefeasibly vested before the date of the making of an adoption order; and

- (b) any interest in property or right that has indefeasibly vested before the coming into force of this section.

s. 84,
repealed

35. Section 84 of the said Act is repealed.

s. 86 (2, 3),
repealed

36. Subsections 2 and 3 of section 86 of the said Act are repealed.

s. 89 (*f*),
re-enacted
s. 89 (*g*),
repealed

37.—(1) Clauses *f* and *g* of section 89 of the said Act are repealed and the following substituted therefor:

(*f*) defining “net expenditures”.

s. 89 (*h*),
amended

- (2) Clause *h* of the said section 89 is amended by adding at the end thereof “for the purposes of section 8”.

s. 89,
amended

- (3) The said section 89, as amended by the Statutes of Ontario, 1972, chapter 109, section 7, is further amended by adding thereto the following clause:

(*ha*) prescribing additional powers and duties of a child welfare review committee appointed under section 11.

s. 89 (*i*) (*j*),
re-enacted

- (4) Clause *i* and *j* of the said section 89 are repealed and the following substituted therefor:

(*i*) determining the amounts of payments under subsections 1 and 2 of section 12 and prescribing classes of such payments and the terms and conditions under which any such payment or class thereof may be paid;

(*j*) providing for payments to reimburse a municipality for all or any part of any increase in its financial obligations to a children’s aid society under this Act and prescribing classes of such payments and the terms and conditions under which any such payment or class thereof may be paid.

s. 89 (*l*),
amended

- (5) Clause *l* of the said section 89 is amended by adding at the end thereof “and for the purpose of section 23*a*”.

s. 89,
amended

- (6) The said section 89 is further amended by adding thereto the following clause:

(*la*) prescribing terms and conditions to be included in any agreement entered into under section 23*a*.

s. 89,
amended

- (7) The said section 89 is further amended by adding thereto the following subsection:

(2) Any regulations made under subsection 1 and filed under *The Regulations Act* before the 31st day of December, 1975 may be made to apply retroactively to a date not earlier than the 1st day of January, 1975. Idem
R.S.O. 1970,
c. 410

38. Section 88 of *The Child Welfare Act, 1965*, being chapter 14, is repealed. 1965, c. 14,
s. 88,
repealed

39.—(1) This Act, except sections 8 and 9, comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

(2) Sections 8 and 9 shall be deemed to have come into force on the 1st day of January, 1975. Idem

40. This Act may be cited as *The Child Welfare Amendment Act, 1975*. Short title
1975.

CHAPTER 2

**An Act to amend
The Pollution Abatement Incentive Act***Assented to March 26th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Pollution Abatement Incentive Act*, being ^{s. 11, re-enacted} chapter 352 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

11.—(1) Grants shall be made,

Date of
installation

(a) under section 2, only in relation to equipment for the abatement of pollution or the treatment or disposal of waste that is installed and made operational; or

(b) under section 5, only in relation to a change referred to in section 5 that is made,

before the 1st day of April, 1976.

(2) Notwithstanding section 7, no application for a grant under this Act may be made later than the 1st day of June, 1976.

Date of
application

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
ment
3. This Act may be cited as *The Pollution Abatement Incentive* ^{Short title}
Amendment Act, 1975.

CHAPTER 3

**An Act to amend
The Highway Traffic Amendment Act, 1974**

Assented to March 26th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 38 of *The Highway Traffic Amendment Act, 1974* (No. 2), being chapter 123, is repealed and the following substituted therefor:

(3) Section 29 comes into force on the 1st day of September, 1975. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Highway Traffic Amendment Act, 1975*. Short title

CHAPTER 4

**An Act to provide for the Payment of
Grants to First Time Home Buyers***Assented to April 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpreta-
tion

(a) “housing unit” means a unit suitable for permanent habitation that provides living, sleeping, eating and food preparation facilities for one family, with or without other essential facilities that are shared with other housing units, and includes,

(i) a house intended for human habitation that contains not more than two housing units,

(ii) a unit or proposed unit within the meaning of *The Condominium Act*,

R.S.O. 1970,
c. 77

(iii) a unit in the building of a co-operative housing corporation, and

(iv) a mobile home;

(b) “Minister” means the Minister of Revenue;

(c) “mobile home” means a housing unit that complies with the following standards prescribed by the Canadian Standards Association,

(i) C.S.A. Standard Z240.5 – 1971,

(ii) C.S.A. Standard Z240.1 – 1972,

(iii) C.S.A. Standard Z240.0 – 1973,

(iv) C.S.A. Standard Z240.3.1 – 1973, and

(v) C.S.A. Standard Z240.6.1 – 1973,

or with such other standards, or such variations of the standards mentioned in subclauses i to v as the Minister may approve;

(d) “period of eligibility” means the period from and including the 8th day of April, 1975, to and including the 31st day of December, 1975;

(e) “person” means a natural person who has attained the full age of eighteen years and does not include a corporation, partnership, syndicate, association or other organization of any kind;

(f) “prescribed” means prescribed by the regulations made under this Act;

(g) “purchase”, where used with reference to a housing unit, means the acquisition of the housing unit for valuable consideration in an amount equal to its fair market value.

Applica-
tion
for
grant

2.—(1) Where any person purchases or builds a housing unit in Ontario to be ordinarily inhabited as the principal residence by that person or that person and his spouse and children or dependants, he may apply to the Minister for a grant.

Where no
grant to
be made

(2) No grant shall be made to a person applying therefor where, at any time prior to the 8th day of April, 1975,

(a) that person or the spouse of that person owned, whether jointly with another person or otherwise, a housing unit that was ordinarily inhabited as the principal residence by that person or his spouse; or

(b) any other person who has an interest in the housing unit in respect of which the application for the grant is made, or the spouse of that person, owned, whether jointly with another person or otherwise, a housing unit that was ordinarily inhabited as the principal residence by that person or his spouse.

Idem

(3) No grant shall be made to a person applying therefor unless the legal and beneficial interest in the housing unit in respect of which application for the grant is made vests, as determined in the prescribed manner, in that person, whether jointly with another person or otherwise, during the period of eligibility.

(4) Not more than one grant shall be made under this ^{Proviso} Act to any person and no grant shall be made to any person,

(a) where the spouse of such person has received a grant under this Act;

(b) where any other person who has an interest in the property in respect of which the application is made has received a grant under this Act; or

(c) where the vendor of the housing unit in respect of which application for a grant is made, continues to inhabit the whole or any part of the housing unit as his principal residence.

(5) An application for a grant or for a supplementary ^{Form of application} grant under this Act shall be made on the form provided by the Minister.

3.—(1) Subject to subsections 2, 3 and 4 of section 2, ^{Minister may make grants} the Minister may, on application therefor, make a grant in the amount of \$1,000 to any person in respect of the purchase by him of a housing unit in Ontario inhabited or to be inhabited by that person, or by that person and his spouse and children or dependants, as his principal residence.

(2) Subject to subsections 2, 3 and 4 of section 2, ^{Idem} the Minister may, on application therefor, make a grant of \$1,000 to any person in respect of a housing unit built by him in Ontario provided that the housing unit in respect of which the application is made,

(a) has not been occupied at any time prior to the 8th day of April, 1975; and

(b) is first ordinarily inhabited as the principal residence by that person or by that person and his spouse and children or dependants during the period of eligibility.

(3) No grant shall be paid under subsection 1 or 2 unless ^{Idem} the application therefor has been received by the Minister on or before the 30th day of June, 1976.

4. Where any person who receives a grant under section 3 continues to inhabit the housing unit as his principal residence for a period of twelve months from the day the legal and beneficial interest in the unit vested in him, as determined in the prescribed manner, he may apply to the Minister for a first supplementary grant and where ^{Applica-tion}

such person continues to inhabit the housing unit as his principal residence for a further twelve months he may similarly apply to the Minister for a second supplementary grant.

Minister
may
make
supple-
mentary
grants

5.—(1) The Minister may, on application therefor, make a first supplementary grant and a second supplementary grant each in the amount of \$250 to any person who meets the qualifications therefor as set out in section 4.

Idem

(2) No grant shall be paid under subsection 1 unless the application therefor has been received by the Minister on or before the 30th day of June, 1978.

Idem

(3) Where a person who has received a grant under section 3 dies prior to making application for a first or second supplementary grant under subsection 1, the Minister may, on application therefor, make a grant provided for in subsection 1 to the surviving spouse or co-owner who continues to inhabit the housing unit as his principal residence.

Grant
not
to be
assigned

6. The Minister is not bound by any assignment of a grant made under this Act, by the person to whom the grant is payable.

Regula-
tions

7.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing the manner of determining when the legal and beneficial interest in a housing unit vests in a person for the purpose of determining eligibility for a grant under this Act;

(b) prescribing the evidence required to establish the entitlement of an applicant to a grant under this Act;

(c) generally for the administration of this Act.

Regula-
tion
may be
made
retroactive

(2) A regulation made under subsection 1 may be made effective retroactively to a date not earlier than the 8th day of April, 1975.

Offence

8. Every person who knowingly makes, participates in, assents to or acquiesces in the making of any false statement in an application for a grant under this Act, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

9. Where any person obtains a grant under this Act on the basis of an application that contains any false or misleading statement, the amount of such grant shall be deemed to be a debt due to the Crown and may be recovered by action in any court of competent jurisdiction. Recovery of grant made on basis of false application

10. The moneys required for the purposes of this Act shall, until the 31st day of March, 1976, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

11. This Act shall be deemed to have come into force on the 8th day of April, 1975. Commencement

12. This Act may be cited as *The Ontario Home Buyers Grant Act, 1975*. Short title

CHAPTER 5

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

Assented to April 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,400,000,000.

Loans up
to
\$1,400,000,000
R.S.O. 1970,
c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Ontario Loan Act, 1975*.

Short title

CHAPTER 6

**An Act to amend
The Farm Products Marketing Act***Assented to April 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 21a,
enacted

21a.—(1) In this section,

Interpre-
tation

- (a) “chicks-for-placement” means female chickens twenty weeks of age or less or any class thereof;
- (b) “eggs” means eggs of a domestic hen other than hatching eggs;
- (c) “fowl” means a domestic hen more than twenty weeks of age;
- (d) “hatching eggs” means eggs of a domestic hen produced for the purpose of hatching into chicks;
- (e) “local board” means The Ontario Egg Producers’ Marketing Board;
- (f) “producing” means,
 - (i) in the case of chicks-for-placement, the provision of housing, feed, water or care therefor and the preparation thereof for sale or for use as fowl, and
 - (ii) in the case of eggs and hatching eggs, the provision of housing, feed, water or care for the fowl that lay such eggs or hatching eggs and the preparation of the eggs or hatching eggs for sale or for hatching, as the case may be.

Regulations
re chicks-
for-
placement,
eggs, hatching
eggs and fowl

(2) The Board may make regulations,

(a) notwithstanding paragraph 3 of subsection 1 of section 8, providing for the refusal to grant a licence for the producing of chicks-for-placement or eggs or hatching eggs for any reason that the Board considers proper;

(b) authorizing the local board,

(i) to require that chicks-for-placement be produced on a quota basis,

(ii) to prohibit any person to whom a quota has not been fixed and allotted for the producing of chicks-for-placement or whose quota has been cancelled from producing any chicks-for-placement,

(iii) to prohibit any person to whom a quota has been fixed and allotted for the producing of chicks-for-placement from producing any chicks-for-placement in excess of such quota, and

(iv) to prohibit any person from producing chicks-for-placement in premises other than premises in respect of which a quota for producing chicks-for-placement has been fixed and allotted to such person;

(c) authorizing the local board,

(i) to fix and allot to persons quotas for producing chicks-for-placement on such basis as the local board considers proper,

(ii) to refuse to fix and allot to any person a quota for producing chicks-for-placement for any reason that the local board considers proper,

(iii) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing chicks-for-placement for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board has reasonable grounds for belief that the person to

whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and

- (iv) to permit any person to whom a quota has been fixed and allotted for the producing of chicks-for-placement to produce any chicks-for-placement in excess of such quota on such terms and conditions as the local board considers proper;

(d) authorizing the local board,

- (i) to require that eggs be produced on a quota basis,
- (ii) to prohibit any person to whom a quota has not been fixed and allotted for the producing of eggs or whose quota has been cancelled from producing any eggs,
- (iii) to prohibit any person to whom a quota has been fixed and allotted for the producing of eggs from producing any eggs in excess of such quota, and
- (iv) to prohibit any person from producing eggs in premises other than premises in respect of which a quota for producing eggs has been fixed and allotted to such person;

(e) authorizing the local board,

- (i) to fix and allot to persons quotas for producing eggs on such basis as the local board considers proper,
- (ii) to refuse to fix and allot to any person a quota for producing eggs for any reason that the local board considers proper,
- (iii) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing eggs for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board has reasonable grounds for belief that the person to whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and

- (iv) to permit any person to whom a quota has been fixed and allotted for the producing of eggs to produce any eggs in excess of such quota on such terms and conditions as the local board considers proper;

(f) authorizing the local board,

- (i) to require that hatching eggs be produced on a quota basis,
- (ii) to prohibit any person to whom a quota has not been fixed and allotted for the producing of hatching eggs or whose quota has been cancelled from producing any hatching eggs,
- (iii) to prohibit any person to whom a quota has been fixed and allotted for the producing of hatching eggs from producing any hatching eggs in excess of such quota, and
- (iv) to prohibit any person from producing hatching eggs in premises other than premises in respect of which a quota for producing hatching eggs has been fixed and allotted to such person;

(g) authorizing the local board,

- (i) to fix and allot to persons quotas for producing hatching eggs on such basis as the local board considers proper,
- (ii) to refuse to fix and allot to any person a quota for producing hatching eggs for any reason that the local board considers proper,
- (iii) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing hatching eggs for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board has reasonable grounds for belief that the person to whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and
- (iv) to permit any person to whom a quota has been fixed and allotted for the producing of

hatching eggs to produce any hatching eggs in excess of such quota on such terms and conditions as the local board considers proper;

(*h*) authorizing the local board,

- (i) to require that fowl be possessed on a quota basis,
- (ii) to prohibit any person to whom a quota has not been fixed and allotted for the possession of fowl or whose quota has been cancelled from possessing any fowl,
- (iii) to prohibit any person to whom a quota has been fixed and allotted for possessing fowl from possessing any fowl in excess of such quota, and
- (iv) to prohibit any person from possessing fowl in premises other than premises in respect of which a quota for possessing fowl has been fixed and allotted to such person;

(*i*) authorizing the local board,

- (i) to fix and allot to persons quotas for possessing fowl on such basis as the local board considers proper,
- (ii) to refuse to fix and allot to any person a quota for possessing fowl for any reason that the local board considers proper,
- (iii) to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for possessing fowl for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board has reasonable grounds for belief that the person to whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and
- (iv) to permit any person to whom a quota has been fixed and allotted for possessing fowl to possess any fowl in excess of such quota on such terms and conditions as the local board considers proper.

Regulation may be limited	(3) Any regulation made under this section may be limited as to time and place.
Delegation of powers to local board	(4) The Board may delegate to the local board such of its powers under clause <i>a</i> of subsection 2 as it considers necessary and may at any time terminate such delegation.
Exercise of powers by local board	(5) Where the Board authorizes the local board to exercise any of the powers mentioned in subsection 2, the local board, in the exercise of such powers, may make regulations or orders or issue directions.
Actions of local board deemed to be administrative	(6) Everything that is done by the local board under the authority of clause <i>c</i> , <i>e</i> , <i>g</i> or <i>i</i> of subsection 2 shall be deemed to be of an administrative and not of a legislative nature.
Powers of search, inspection, etc.	<p>(7) Every person appointed under clause <i>g</i> of subsection 1 of section 4 or under a regulation made thereunder may, without a warrant,</p> <p>(a) stop, enter and search any vehicle;</p> <p>(b) enter and search any premises, other than a dwelling; and</p> <p>(c) open and inspect any package or container,</p> <p>if he has reasonable grounds to believe that any of them contains any chicks-for-placement, eggs, hatching eggs or fowl in respect of which there is or has been a contravention of this Act or the regulations.</p>
Exercise of power	(8) A person referred to in subsection 7 may use as much force as is necessary for him to exercise the powers conferred upon him by subsection 7.
Commencement	2. This Act comes into force on the day it receives Royal Assent.
Short title	3. This Act may be cited as <i>The Farm Products Marketing Amendment Act, 1975</i> .

CHAPTER 7

**An Act to provide for the Payment
of Unconditional Grants***Assented to April 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “acres in the area municipality” means the area in acres of the municipality, excluding property held in trust for a band or body of Indians and land covered by water, as certified by the Assessment Commissioner or Assessor;
- (b) “area municipality” means an area municipality as defined in any Act establishing a metropolitan, regional or district municipality and in *The County of Oxford Act, 1974*; ^{1974, c. 57}
- (c) “commercial assessment” means the total of,
 - (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada, or any province or any board, commission, corporation, or other agency thereof, or by any municipal or regional corporation or local board thereof,
 - (ii) the business assessment, and
 - (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines,

according to the last revised assessment roll;

- (d) “density” means the total number of residential properties in an area municipality divided by the acres in the area municipality correct to two places of decimals;
- (e) “lower tier municipality” means a city, town, village, township or improvement district;
- (f) “merged area” means a merged area as defined in an Act establishing a regional municipality;
- (g) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (h) “net levy” means the net general dollar levy as prescribed;
- (i) “prescribed” means prescribed by the regulations under this Act;
- (j) “regional municipality” means a metropolitan, regional or district municipality as defined in the Act establishing such a municipality and includes the County of Oxford;
- (k) “residential property” means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act* upon which there is a building used or intended to be used as a residence;
- (l) “upper tier municipality” means a county or regional municipality.

R.S.O. 1970,
c. 32

Population

(2) For the purposes of this Act, population shall be determined in the manner prescribed.

Repeals

2.—(1) The following are repealed:

1. *The Regional Municipal Grants Act*, being chapter 405 of the Revised Statutes of Ontario, 1970;
2. *The Regional Municipal Grants Amendment Act*, 1971, being chapter 73;
3. *The Regional Municipal Grants Amendment Act*, 1972, being chapter 64;
4. *The Regional Municipal Grants Amendment Act*, 1973 (*No. 1*), being chapter 62;

5. *The Regional Municipal Grants Amendment Act, 1973 (No. 2)*, being chapter 160;
6. *The Regional Municipal Grants Amendment Act, 1974*, being chapter 24;
7. *The Municipal Unconditional Grants Act, 1974*, being chapter 25;
8. *The Municipal Unconditional Grants Amendment Act, 1974*, being chapter 127;
9. *The Property Tax Stabilization Act, 1973*, being chapter 73;
10. *The Property Tax Stabilization Amendment Act, 1974*, being chapter 23.

(2) Any reference in any other Act to an Act repealed under subsection 1 shall be deemed to be a reference to this Act. Reference in other Acts

3. In each year there shall be paid to each regional municipality a payment or payments in accordance with the population of the area municipalities within the regional municipality as follows: Per capita grants

1. \$9 per capita.
2. An amount per capita in accordance with Schedule 1 based on the density of each area municipality.
3. \$12 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*. R.S.O. 1970, c. 351
4. \$8 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

4. In each year, the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality by the sum of, Credit to area municipalities

- (a) \$9;

- (b) the per capita amount in relation to the area municipality in accordance with Schedule 1 based on the density of the area municipality;
- (c) \$12 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; or
- (d) \$8 in relation to each area municipality to which paragraph 4 of section 3 applies.

R.S.O. 1970,
c. 351

Interpre-
tation

5.—(1) For the purposes of this section, “municipality” means a city, town, village, township or improvement district but does not include an area municipality.

Payments to
municipal-
ities

(2) In each year, payments shall be made to each municipality in accordance with the population of that municipality and Schedule 2 of this Act.

Idem

(3) In each year, payments of \$8 per capita shall be made to each municipality providing its own law enforcement by maintaining its own police force, or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

Interpre-
tation

6.—(1) For the purposes of this section, “municipality” means a city, town, village, township, improvement district, county or regional municipality.

Minister may
make grants
or loans

(2) Where the Minister is satisfied that property taxes in a municipality may be unduly increased by reason of a substantial loss of revenue that had previously been available to a municipality as a result of,

- (a) a change in legislation;
- (b) an unforeseen commitment imposed on a municipality; or
- (c) circumstances beyond the control of the municipal council and of an unusual or exceptional nature,

the Minister may, by order, make a grant or a loan to such municipality under such terms and conditions as the Minister considers necessary in the circumstances.

Payments to
municipal-
ities

(3) There shall be paid to each municipality set out in column 1 of Schedule 3,

- (a) in the year 1975, the sum set opposite the name of the municipality in column 2; and

- (b) in the year 1976, the sum, if any, set opposite the name of the municipality in column 3.

7.—(1) In this section,

Interpre-
tation

- (a) “net county levy” means the amount required for county purposes including the sums required for any board, commission or other body, apportioned to each lower tier municipality by the county;
- (b) “net lower tier levy” means the amount required for lower tier purposes under section 307 of *The Municipal Act* including the sums required for any board, commission or other body excluding school purposes and sums included in the net regional levy or net county levy; R.S.O. 1970,
c. 284
- (c) “net regional levy” means the amount required for general regional purposes including the sums required for any board, commission or other body but excluding school purposes apportioned to each area municipality and reduced by the amount credited to each area municipality under section 4;
- (d) “rateable property” includes business and other assessment made under *The Assessment Act*; R.S.O. 1970,
c. 32
- (e) “residential and farm assessment” means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause c of subsection 1 of section 1;
- (f) “special lower tier levy” means an amount which is not included in the net lower tier levy, and excludes amounts required for school purposes and sums included in the net regional levy, net county levy and special regional levy;
- (g) “special regional levy” means an amount apportioned by a regional municipality to one or more area municipalities that is not included in the net regional levy and excludes amounts required for school purposes.

(2) Each lower tier municipality shall levy, in accordance ^{Levy} with subsection 3, separate rates as applicable on commercial assessment and on residential and farm assessment in each year in respect of the,

- (a) net regional levy;
- (b) net county levy;
- (c) net lower tier levy;
- (d) special regional levy; and
- (e) special lower tier levy.

Determina-
tion of
rates

(3) The rates to be levied in each year for each separate levy specified in subsection 2,

- (a) on residential and farm assessment shall be 85 per cent of the rates to be levied on commercial assessment; and
- (b) on commercial assessment shall be determined by multiplying the amount required for each such levy by 1,000 and dividing the product by 85 per cent of the sum of the residential and farm assessment plus the commercial assessment.

Minister
may make
grants

(4) Where in 1975 in any lower tier municipality, the mill rates that would have been levied on residential and farm property for all purposes, other than school purposes, would increase more than 5 per cent over the mill rates which would have been levied on such property had the method of calculating such mill rates not changed, the Minister may, by order, make a grant to such municipality under such terms and conditions as the Minister considers necessary in the circumstances.

Apportion-
ment among
merged
areas

(5) Notwithstanding subsection 2, the net regional levy and the net lower tier levy charged against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Ministry of Revenue.

Determina-
tion of
rates

(6) The rates to be levied in each merged area shall be determined in accordance with subsection 3.

Transi-
tional
grants

8. The Lieutenant Governor in Council may, to minimize changes in the incidence of local taxation and to promote the development of services on a regional basis, by order, upon such terms and conditions as he considers appropriate, provide for payments to be made,

- (a) to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton, The Regional Municipality of York, The District Municipality of Muskoka and to any area municipality therein for a period not exceeding five years from the 23rd day of July, 1971;
- (b) to any other regional municipality or lower tier municipality affected by any amalgamation, annexation or change in the responsibility for the provision of services, for a period not exceeding five years after the effective date of such amalgamation, annexation or change in responsibility; and
- (c) notwithstanding clause *a*, to the Township of Goulbourn, the Township of Rideau, and the Township of West Carleton for a period not exceeding five years from the 1st day of January, 1974.

9. In each year there shall be paid a resource equalization grant to each lower tier municipality whose equalized assessment per capita in the preceding year is below \$10,300, or such other amount as may be prescribed, in an amount based, in the manner prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to \$10,300 as applied to the net levy of the lower tier municipality.

Resource
equalization
grants

10.—(1) For the purposes of any general or special Act, the equalized assessment of a lower tier municipality shall for apportionment purposes, other than for school purposes or county purposes or for apportionment between merged areas, be increased by an amount that would have produced the amount of the resource equalization grant entitlement in the preceding year by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes, other than school purposes, on commercial assessment in the preceding year, by the total equalized commercial assessment for the preceding year, times 1,000.

Equalized
assessment
of lower
tier muni-
cipality
deemed
increased

(2) In determining the taxes levied on commercial assessment under subsection 1, there shall be excluded the taxes added to the collector's roll under section 43 of *The Assessment Act* and the assessment on which such taxes are levied.

Exclusion
of taxes
added
under
R.S.O. 1970,
c. 32, s. 43

(3) In each year, the clerk of every lower tier municipality that received a resource equalization grant in the preceding year shall provide, on or before the 1st day of April, to the upper tier municipality, a statement of the

Statement

amount of the resource equalization grant in respect of the preceding year and the amount to be added to the equalized assessment of the municipality under subsection 1, provided that in 1975, lower tier municipalities in the County of Oxford shall use the estimated 1975 resource equalization grant.

Ascription
of resource
equalization
grants

11.—(1) The lower tier municipality shall, in each year, ascribe a portion of the resource equalization grant entitlement in that year to the upper tier municipality.

Deter-
mination
of portion
ascribed

(2) For the purposes of subsection 1, the portion shall be the ratio of taxes levied on commercial assessment in the preceding year for the upper tier municipality to the total taxes levied on commercial assessment in the preceding year for all purposes, other than school purposes, provided that for the County of Oxford in 1975, the ratio shall be determined using the estimated current year taxes.

Exclusion of
taxes added
under
R.S.O. 1970,
c. 32, s. 43

(3) In determining the taxes levied on commercial assessment under subsection 2, there shall be excluded taxes levied on such assessment added to the collector's roll under section 43 of *The Assessment Act*.

Amount
ascribed
to be
deducted

12. The amount ascribed to the upper tier municipality under section 11 shall be deducted from the requisition of the upper tier municipality for the year and the net amount shall be the amount included in the levy of the lower tier municipality for purposes of section 302 of *The Municipal Act* and section 7 in each year.

R.S.O. 1970,
c. 284

Preliminary
apportion-
ment

13.—(1) Notwithstanding section 10, a preliminary apportionment may be made in any year and an adjustment to the preliminary apportionment shall be made when the statement under subsection 3 of section 10 is received.

Idem

(2) In the case of the County of Oxford, a preliminary apportionment may be made in 1975 notwithstanding section 10 and an adjustment to that apportionment shall be made when the amount of the 1975 resource equalization grant entitlement for all area municipalities in the County is determined.

Equalized
assessment
of lower
tier muni-
cipality
deemed
increased

14.—(1) In the case of the County of Oxford, in 1975, and for the purposes of section 10, the equalized assessment of a lower tier municipality shall for apportionment purposes, other than for school purposes or apportionment between merged areas, be increased by an amount that would have produced the amount of the resource equalization grant entitlement in 1975 by the taxation of real property

at the mill rate determined by dividing the total estimated taxes levied by the lower tier municipality in 1975 for all purposes other than school purposes on commercial assessment for 1975 by the total equalized commercial assessment for 1975, times 1,000.

(2) In determining the taxes levied on commercial assessment under subsection 1, there shall be excluded the taxes added to the collector's roll under section 43 of *The Assessment Act* and the assessment on which such taxes are based.

Exclusion
of taxes
added under
R.S.O. 1970,
c. 32, s. 43

15. In each year there shall be paid a general support grant to each upper tier municipality and to each lower tier municipality in an amount equal to 6 per cent, or such other percentage as may be prescribed, of the net levy of the municipality.

General
support
grant

16. In each year there shall be paid a special support grant of 15 per cent, or such other percentage as may be prescribed, of the net levy of each upper tier municipality and each lower tier municipality, to each such municipality that is situate in the northern part of Ontario.

Special
support
grant

17. In each year there shall be paid to the Township of Chisholm, the Improvement District of Cameron and any lower tier municipality situated in the Territorial District of Parry Sound, a special support grant of 7.5 per cent, or such other percentage as may be prescribed, of the net levy of such municipality.

Idem

18. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys

19.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing anything that in this Act may be prescribed by regulation;
- (b) prescribing the conditions under which grants shall be made;
- (c) prescribing the method of calculating grants made under this Act and the conditions attached thereto;
- (d) prescribing the manner in which grants are to be made under this Act;
- (e) prescribing the manner in which population is to be determined for the purposes of this Act;

- (f) prescribing the forms and records to be used for the purposes of this Act or the regulations;
- (g) prescribing the area that is to comprise the northern part of Ontario.

Regulations may be retroactive

(2) Regulations under subsection 1 may be made retroactive to a date not earlier than the 1st day of January, 1975.

Commence-ment

20. This Act shall be deemed to have come into force on the 1st day of January, 1975.

Short title

21. This Act may be cited as *The Ontario Unconditional Grants Act, 1975*.

SCHEDULE 1

DENSITY	AMOUNT PER CAPITA
0.15 and under	\$5.00
Over 0.15 to 0.30	4.00
Over 0.30 to 0.45	3.00
Over 0.45 to 0.60	2.00
Over 0.60 to 0.75	1.00
Over 0.75	Nil

SCHEDULE 2

POPULATION RANGE	RATE OF GRANT
0 — 5,000	$\$6.00 \times (\text{Pop.})$
5,001 — 10,000	$\$ 30,000 + \$6.40 \times (\text{Pop. over } 5,000)$
10,001 — 15,000	$\$ 62,000 + \$6.60 \times (\text{Pop. over } 10,000)$
15,001 — 20,000	$\$ 95,000 + \$6.80 \times (\text{Pop. over } 15,000)$
20,001 — 25,000	$\$ 129,000 + \$7.00 \times (\text{Pop. over } 20,000)$
25,001 — 50,000	$\$ 164,000 + \$7.20 \times (\text{Pop. over } 25,000)$
50,001 — 75,000	$\$ 344,000 + \$7.40 \times (\text{Pop. over } 50,000)$
75,001 — 100,000	$\$ 529,000 + \$7.60 \times (\text{Pop. over } 75,000)$
100,001 — 200,000	$\$ 719,000 + \$7.80 \times (\text{Pop. over } 100,000)$
200,001 or more	$\$ 1,499,000 + \$8.00 \times (\text{Pop. over } 200,000)$

SCHEDULE 3

COLUMN 1	COLUMN 2 \$	COLUMN 3 \$
County of Bruce.....	12,758.00	nil
Village of Hepworth.....	169.00	nil
Village of Lion's Head.....	303.00	nil
Town of Wiarton.....	1,075.00	nil
Town of Albemarle.....	1,352.00	nil
Township of Amabel.....	3,220.00	nil
Township of Eastnor.....	1,564.00	nil
Township of Lindsay.....	810.00	nil
Township of St. Edmund's.....	1,507.00	nil
Village of Havelock.....	2,020.00	nil
Village of Norwood.....	2,160.00	nil
Township of Burleigh and Anstruther.....	2,868.00	1,434.00
Township of Chandos.....	1,387.20	693.60
Township of Galway and Cavendish.....	2,749.20	1,374.60
Township of Harvey.....	4,995.60	2,497.80
Township of Asphodel.....	3,400.00	nil
Township of Belmont and Methuen.....	6,080.00	nil
Township of Dummer.....	4,610.00	nil
Town of Cache Bay.....	28.65	nil
Town of Sturgeon Falls.....	672.98	nil
Township of Caldwell.....	112.72	nil
Township of Field.....	41.37	nil
Township of Springer.....	144.00	nil
The Regional Municipality of Sudbury.....	173,200.00	nil
Town of Kenora.....	57,588.00	nil
Town of Sioux Lookout.....	14,850.00	nil
City of Thunder Bay.....	400.50	nil
County of Hastings.....	24,731.00	nil
Village of Hastings.....	1,700.00	nil
Improvement District of Beardmore.....	4,969.00	nil
United Counties of Prescott and Russell.....	1,058.93	nil

CHAPTER 8

An Act to amend The Municipal Act*Assented to April 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 302 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 302,
re-enacted

302. The council of every local municipality in each year shall levy in the manner set out in *The Ontario Unconditional Grants Act, 1975*, on the whole of the assessment for real property and business assessment, according to the last revised assessment roll, a sum equal to the aggregate of the sums adopted under section 307. Rates
1975, c. 7

- 2.—(1) Subsection 1 of section 304 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 81, section 1 and amended by 1973, chapter 83, section 4, is further amended by striking out “designated by the Lieutenant Governor in Council” in the second and third lines and by striking out “Lieutenant Governor in Council” in the fifth and sixth lines and inserting in lieu thereof “Minister of Colleges and Universities”. s. 304 (1),
amended
- (2) Subsection 2 of the said section 304, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 4 and amended by 1974, chapter 136, section 7, is further amended by striking out “designated by the Lieutenant Governor in Council” in the second and third lines and by striking out “Lieutenant Governor in Council” in the fourth line and inserting in lieu thereof “Minister of Correctional Services”. s. 304 (2),
amended
- (3) Subsection 3 of the said section 304, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out “designated by the Lieutenant Governor in Council” in the second and third lines and by striking out “Lieutenant Governor in Council” in the fifth line and inserting in lieu thereof “Minister of Health”. s. 304 (3),
amended

s. 304 (3a), amended	(4) Subsection 3a of the said section 304, as enacted by the Statutes of Ontario, 1974, chapter 136, section 7, is amended by striking out “designated by the Lieutenant Governor in Council” in the second and third lines and by striking out “Lieutenant Governor in Council” in the fifth line and inserting in lieu thereof “Minister of Community and Social Services”.
s. 304 (3b), re-enacted	(5) Subsection 3b of the said section 304, as enacted by the Statutes of Ontario, 1974, chapter 136, section 7, is repealed and the following substituted therefor:
Applica- tion	(3b) A designation of an institution previously made under this section by the Lieutenant Governor in Council shall continue in force and shall be deemed to be a designation of an institution made by the appropriate minister pursuant to this section and a designation of a facility under <i>The Developmental Services Act, 1974</i> previously made in 1975 by the Lieutenant Governor in Council pursuant to subsection 3a and the determination made by the Minister of Community and Social Services pursuant to that subsection shall continue to apply in respect of 1974 and a levy made in 1975 upon such designated facilities may be in respect of both 1974 and 1975.
1974, c. 2	
s. 304, amended	(6) The said section 304, as amended by the Statutes of Ontario, 1971, chapter 81, section 1, 1973, chapter 83, section 4 and 1974, chapter 136, section 7, is further amended by adding thereto the following subsections:
Annual levy on provincial educational institutions	(3c) Notwithstanding any general or special Act, the council of a local municipality, in which there is situate a provincial education institution designated by the Minister under whose jurisdiction such institution falls, may pass by-laws to levy an annual amount payable on or after the 1st day of July upon such institution, not exceeding the sum of \$50 a year for each place in such institution as determined by the aforesaid Minister.
Annual levy on agri- cultural research stations	(3d) Notwithstanding any general or special Act, the council of a local municipality, in which there is situate an agricultural research station designated by the Minister of Agriculture and Food, may pass by-laws to levy upon such research station an annual amount, payable on or after the 1st day of July, not to exceed, (a) \$5 per acre for each of the first 100 acres occupied by each such research station and \$2 per acre for each acre in excess of 100 acres occupied by each such research station up to 10,000 acres and

\$0.50 per acre in excess of 10,000 acres occupied by each such station; or

(b) \$100,

whichever is greater.

- (7) Subsection 4 of the said section 304, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is repealed. s. 304 (4), repealed
- (8) Notwithstanding the repeal of subsection 4 of section 304 of *The Municipal Act* by subsection 7 of this section, an amount levied by a municipality in 1975 in respect of the year 1974 upon a facility under *The Developmental Services Act, 1974* shall not exceed one-quarter of the total amount of taxes levied on all real property and business assessment in that municipality for all purposes other than school purposes in 1973. Proviso R.S.O. 1970, c. 284 1974, c. 2
- (9) Subsection 5 of the said section 304, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 7, is amended by striking out “or 3a” in the second line and inserting in lieu thereof “3a, 3c or 3d”. s. 304 (5), amended
- (10) Subsection 6 of the said section 304, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 7, is amended by striking out “or 3a” in the second line and inserting in lieu thereof “3a, 3c or 3d”. s. 304 (6), amended
- (11) Subsection 8 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4 and amended by 1974, chapter 136, section 7, is further amended by striking out “or 3a” in the amendment of 1974 and inserting in lieu thereof “3a, 3c or 3d”. s. 304 (8), amended
- (12) Subsection 10 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by adding at the end thereof “and for the purposes of this subsection and subsection 9, the County of Oxford shall be deemed to be a regional municipality”. s. 304 (10), amended
- (13) Subsection 11 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by inserting after “board” in the fourth line “or county”. s. 304 (11), amended
- (14) The said section 304 is further amended by adding thereto the following subsection: s. 304, amended

Exclusion
of taxes
added to
collector's
roll under
R.S.O. 1970,
c. 32, s. 43

(12*b*) In determining taxes levied on commercial and industrial assessment under subsection 12, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

s. 304 (13),
amended

(15) Subsection 13 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out "section 7 of *The Regional Municipal Grants Act*" in the fifth and sixth lines and inserting in lieu thereof "section 7 of *The Ontario Unconditional Grants Act, 1975*".

s. 307 (2),
amended

3. Subsection 2 of section 307 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 136, section 9, is further amended by striking out "but shall not make any allowance for payments to be received during the current year under section 7 of *The Municipal Unconditional Grants Act*" in the eighth, ninth and tenth lines.

Commence-
ment

4.—(1) This Act, except section 1, subsection 7 of section 2 and section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsection 7 of section 2 and section 3, shall be deemed to have come into force on the 1st day of January, 1975.

Short title

5. This Act may be cited as *The Municipal Amendment Act, 1975*.

CHAPTER 9

An Act to amend The Retail Sales Tax Act

Assented to April 24th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 13 of section 1 of *The Retail Sales Tax Act*, ^{s. 1, par. 13, amended} being chapter 415 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “but ‘sale’ does not include the transfer of title to or possession of tangible personal property to the shareholders of a corporation as the result of the winding-up or dissolution of the corporation”.

- (2) Paragraph 15 of the said section 1 is repealed and the ^{s. 1, par. 15, re-enacted} following substituted therefor:

15. “tangible personal property” means personal property that can be seen, weighed, measured, felt or touched, or that is in any way perceptible to the senses, and includes natural gas, manufactured gas, and any chattel that is a fixture and for the use, possession or enjoyment of which a fee, charge or rent is paid that is not included in any fee, charge or rent paid for possession or occupation of the real property to which the chattel is affixed.

- (3) The said section 1 is amended by adding thereto the ^{s. 1, amended} following paragraph:

18a. “Treasurer” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

- 2.—(1) Section 2 of the said Act, as amended by the Statutes ^{s. 2, amended} of Ontario, 1973, chapter 23, section 2 and 1974, chapter 7, section 1, is further amended by adding thereto the following subsection:

(3a) Notwithstanding subsections 1 and 3, during the ^{Temporary reduction of tax under subss. 1, 3} period commencing on the 8th day of April, 1975 and ending

with the 31st day of December, 1975, the tax imposed by subsections 1 and 3 shall be at the rate of 5 per cent of the fair value of the tangible personal property or taxable service respectively made liable to tax under the said subsections during such period.

s. 2 (7),
amended

(2) Subsection 7 of the said section 2, as amended by the Statutes of Ontario, 1974, chapter 7, section 1, is further amended by adding at the commencement thereof "Subject to subsection 8".

s. 2 (8),
re-enacted

(3) Subsection 8 of the said section 2, as re-enacted by the Statutes of Ontario, 1974, chapter 7, section 1, is repealed and the following substituted therefor:

Refund
of tax

(8) Where a person has paid an amount under this Act as tax that is not payable as tax under this Act, such amount shall be refunded if, within two years following the date of payment of such amount, an application for the refund is made to the Minister and it is established within such two years to the satisfaction of the Minister that the amount that may be refunded was not payable as tax under this Act, and where the amount shown not to have been payable as tax under this Act was paid in the course of performing a contract under which a party to the contract, other than the person who paid such amount, reimbursed the person for such amount so paid, the amount that may be refunded under this subsection may be paid to such party.

Idem

(8a) Where, as the result of an assessment or reassessment or the final decision of a court in proceedings commenced under section 20, the person assessed or reassessed or the appellant, as the case may be, has overpaid the tax payable under this Act, the amount of such overpayment shall be refunded to him notwithstanding the limitations contained in subsection 8.

Extension
of time

(8b) Where, within two years following the payment of an amount under this Act as tax that is not payable as tax, the person who paid such amount informs the Minister that a claim for a refund of such amount will be made, and further provides to the Minister evidence of the nature of the claim and an explanation satisfactory to the Minister of why the full particulars of the claim cannot be furnished in the proper form within such two-year period, the Minister may extend by not more than six months the two-year period mentioned in subsection 8.

s. 3 (1),
re-enacted;
s. 3 (2),
repealed

3.—(1) Subsections 1 and 2 of section 3 of the said Act are repealed and the following substituted therefor:

(1) No vendor shall sell any taxable tangible personal property or sell any taxable service or operate any place of amusement the price of admission to which is taxable unless he has applied for, and the Minister has issued to him, a permit to transact business in Ontario and the permit is in force at the time of such sale. ^{Vendor permits}

(2) Subsections 5 and 6 of the said section 3 are repealed ^{s. 3 (5, 6), re-enacted} and the following substituted therefor:

(5) A permit issued under subsection 1 is valid only for the vendor in whose name it is issued, and only for so long as the vendor therein named transacts business in Ontario or until the permit is suspended or cancelled, as the case may be. ^{Limitation}

(6) Every vendor shall keep at each location in Ontario where he transacts business a copy of the permit issued to him under subsection 1 and shall, upon the request of any purchaser, produce for such purchaser's inspection a copy of such permit. ^{Production of permit}

4.—(1) Paragraph 19 of subsection 1 of section 5 of the said Act ^{s. 5 (1), par. 19, re-enacted} is repealed and the following substituted therefor:

19. materials and equipment required for irrigation purposes, repairs to such equipment, and drainage tiles, when such materials, equipment or tiles are purchased by a person who, with respect to such purchase, provides to the vendor a written statement that such materials, equipment or tiles will be used exclusively in the business of farming by a person engaged in farming, and the statement shall be signed by the person engaged in farming and by whom such materials, equipment or tiles will be used.

(2) Paragraph 37 of subsection 1 of the said section 5 is ^{s. 5 (1), par. 37, re-enacted} repealed and the following substituted therefor:

37. dies, jigs, product-holding fixtures, moulds and patterns for any of them, tools attached to production machinery, and explosives and refractory materials, all as defined by the Minister and expended or used up in the process of manufacturing tangible personal property for sale or use.

(3) Subsection 1 of the said section 5, as amended by the Statutes of Ontario, 1972, chapter 21, section 1, 1973, chapter 23, section 4 and 1974, chapter 7, section 2, is further amended by adding thereto the following paragraphs: ^{s. 5 (1), amended}

49. machinery or equipment that, pursuant to a contract for the acquisition or rental of such machinery or equipment or pursuant to a direction for the fabrication or manufacture thereof made or given after the 7th day of April, 1975 and before the 1st day of January, 1977, is delivered after the 7th day of April, 1975 and before the 1st day of January, 1978 to the person by whom such machinery or equipment is to be used, if such machinery or equipment is, in the opinion of the Minister, to be used principally in,

- (a) the process of manufacturing or producing tangible personal property for sale or use by the manufacturer or producer thereof; or
- (b) the construction of capital works, buildings, structures, roads or similar projects when the value of any separate piece of machinery or equipment so used and for which exemption is claimed under this paragraph is not less than \$500,

but no exemption may be claimed under this paragraph for any machinery or equipment,

- (c) that has a fair value in excess of \$15,000 and that is delivered during the year 1977 to the person by whom it is to be used for a purpose described in clause *a* or *b*, unless a copy of the contract for the acquisition or rental of such machinery or equipment or a copy of the direction for the fabrication or manufacture thereof has been, prior to the 1st day of January, 1977, furnished to the Minister or to an officer of the Ministry of Revenue designated by the Minister to receive copies of such contracts or directions;
- (d) with respect to the sale, use or consumption of which there has not been properly completed by the vendor and the purchaser of such machinery or equipment (or by the purchaser thereof where the machinery or equipment is fabricated or manufactured by such purchaser for his own use and pursuant to a direction given by him) a Machinery and Equipment Purchase Exemption Certificate in the form and manner prescribed by the Minister;
- (e) that is, in the opinion of the Minister, principally used in the production or provision of a taxable service;

(f) the contract for the rental or acquisition of which or the direction for the fabrication or manufacture of which is, in the opinion of the Minister, made for the purpose of obtaining the exemption conferred by this paragraph in substitution for or as the result of the cancellation of a substantially similar contract entered into or direction made or given before the 8th day of April, 1975; or

(g) prescribed by the Minister to be excluded from the exemption conferred by this paragraph.

49a. returnable containers to be used to hold milk that is sold at a retail sale in Ontario.

(4) Paragraph 53 of subsection 1 of the said section 5 is ^{s. 5 (1), par. 53, re-enacted} repealed and the following substituted therefor:

53. equipment, as defined by the Minister, that is to be used by a religious institution exclusively in that part of its premises where religious worship or sabbath school is regularly conducted, and repairs to such equipment, but not including any equipment acquired for resale by a religious institution.

(5) Subsection 1 of the said section 5 is further amended ^{s. 5 (1), amended} by adding thereto the following paragraph:

66. vessels, as defined by the Minister that do not exceed 500 tons gross and that are operated for commercial purposes, repairs to such vessels, and machinery or equipment purchased to refit such vessels.

5. The said Act is amended by adding thereto the following section: ^{s. 11, enacted}

11.—(1) For the period commencing on the 1st day of July, 1975 and ending with the 31st day of March, 1976, and thereafter for each twelve-month period commencing on the 1st day of April, there may be paid to each vendor holding a valid and subsisting permit issued under section 3 the lesser of,

(a) \$500; and

(b) the aggregate of,

(i) 3 per cent of the tax collected by the vendor in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$67 or more,

- (ii) \$2 for each return with respect to tax collected by the vendor in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$2 and is less than \$67, and
- (iii) the tax collected by the vendor in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$2,

as compensation for his services in collecting and remitting the tax imposed by this Act, and the vendor may deduct such compensation from the amount otherwise to be remitted to the Treasurer in accordance with section 10.

Compensation to other agents

(2) The Minister may enter into such arrangements as he considers expedient and proper with any person who collects tax by virtue of an authorization made under subsection 1 of section 8*a* for the payment of compensation to such person for his services in collecting and remitting the tax imposed by this Act, and such person may deduct the compensation payable to him from the amount otherwise to be remitted to the Treasurer in accordance with this Act and the regulations.

Idem

(3) No person accepting compensation under subsection 1 or 2 shall thus be made ineligible as a member of the Assembly.

s. 15 (3), re-enacted

6. Subsection 3 of section 15 of the said Act is repealed and the following substituted therefor:

Assessment from time to time

(3) The Minister may assess or reassess any tax collectable by a vendor or any tax payable by a purchaser under this Act within three years from the day such tax became collectable or payable, as the case may be, except that, where the Minister establishes that any vendor or purchaser has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in making a return or in supplying any information under this Act or in omitting to disclose any information, then the Minister may assess or reassess tax imposed by this Act at any time he considers reasonable.

s. 18 (2), repealed

7. Subsection 2 of section 18 of the said Act is repealed.

s. 18*a*, enacted

8. The said Act is further amended by adding thereto the following section:

Discharge of lien

18*a*. Where, prior to the 8th day of April, 1975, a first lien and charge arose or came into existence on any real

property by virtue of subsection 2 of section 18 as it existed before such day, such real property is, upon the 1st day of July, 1975, absolutely discharged from such first lien and charge then remaining in force unless, prior to the 1st day of July, 1975, there is registered in the proper land registry office a notice claiming such first lien and charge.

- 9.** Subsection 1 of section 22 of the said Act is amended by striking out "20" in the second line and inserting in lieu thereof "21". s. 22 (1), amended
- 10.—**(1) Subsection 3 of section 34 of the said Act is amended by striking out "3" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "4". s. 34 (3), amended
- (2) Subsection 4 of the said section 34 is amended by striking out "3" where it occurs the second time in the third line and in the eighth line and inserting in lieu thereof in each instance "4". s. 34 (4), amended
- (3) The said section 34 is amended by adding thereto the following subsection: s. 34, amended
- (6) In this section, "non-resident contractor" does not include a company incorporated pursuant to the laws of Ontario. Interpretation
- 11.—**(1) Clause *a* of subsection 2 of section 42 of the said Act is repealed. s. 42 (2) (a), repealed
- (2) The said section 42, as amended by the Statutes of Ontario, 1973, chapter 23, section 8, is further amended by adding thereto the following subsections: s. 42, amended
- (3) The Minister may make regulations, Idem
- (a) prescribing, defining or determining anything that he is permitted or required by this Act to prescribe, define or determine;
- (b) prescribing for the purposes of this Act or the regulations the records and information to be kept and maintained by a vendor, registered consumer or purchaser;
- (c) prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

62	Chap. 9	RETAIL SALES TAX	1975
Idem	(4) A regulation is, if it so provides, effective with reference to a period before it was filed.		
Commence- ment	12. This Act shall be deemed to have come into force on the 8th day of April, 1975.		
Short title	13. This Act may be cited as <i>The Retail Sales Tax Amendment Act, 1975</i> .		

CHAPTER 10

**An Act to amend
The Motor Vehicle Fuel Tax Act***Assented to April 24th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 2 of *The Motor Vehicle Fuel Tax Act*, being ^{s. 2, amended} chapter 282 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(3a) Where the Minister is satisfied that the applicant ^{Restricted registration certificates} for a registration certificate will be acquiring fuel principally,

(a) for resale by the applicant;

(b) to be used by the applicant in a manner or for a purpose that will render such fuel exempt from tax by virtue of this Act or the regulations, or that will entitle the applicant to apply to the Minister for a full refund of the tax imposed by this Act on such fuel; or

(c) to be disposed of or consumed by the applicant in a manner prescribed by the regulations for the purpose of this subsection,

the Minister may issue a registration certificate to such applicant, and the certificate may be made subject to such conditions and restrictions as the Minister considers necessary to ensure that fuel acquired by the applicant through his use of the certificate will be dealt with by the applicant in accordance with clause *a*, *b* or *c*, as the case may be.

- (2) The said section 2 is further amended by adding thereto ^{s. 2, amended} the following subsection:

(7) Every registrant who contravenes any condition or ^{Offence} restriction contained in a registration certificate issued under this section is guilty of an offence and on summary

conviction is liable to a penalty of not less than \$100 and not more than \$1,000 and the amount of the tax, if any, that would have been payable by such registrant had he complied with the condition or restriction that he contravened.

s. 7 (2),
amended

2. Subsection 2 of section 7 of the said Act is amended by striking out "who is not a purchaser" in the second and third lines and inserting in lieu thereof "unless the fuel is supplied by delivering it directly into the fuel tank of a motor vehicle licensed or required to be licensed under *The Highway Traffic Act*".

s. 9 (2),
amended

- 3.—(1) Subsection 2 of section 9 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 147, section 5, is further amended by adding at the commencement thereof "Subject to subsection 3".

s. 9.
amended

- (2) The said section 9, as amended by the Statutes of Ontario, 1972, chapter 147, section 5, is further amended by adding thereto the following subsections:

Where refund
of tax
claimed

(3) Where, in a return delivered by a registrant in accordance with this Act and the regulations, it is shown that tax under this Act is payable by the registrant with respect to his use after the 7th day of April, 1975 of fuel, and, where, at the time such return is delivered to the Minister, the registrant also applies for a refund pursuant to section 18 of some or all of such tax on fuel so used by him, he may, notwithstanding subsection 1, retain the amount a refund of which he claims until the refund for which he has applied is, in whole or in part, approved or refused by the Minister and notification thereof is sent to the registrant, and upon his being notified of the refusal to refund any amount a refund of which has been claimed, the registrant shall, with his next return or at such earlier time as is specified in the notification, transmit to the Treasurer any amount a refund of which has been refused together with interest thereon at the rate of 9 per cent per annum or such other rate as is prescribed by the regulations for the period during which such amount has been retained by the registrant, and upon his being notified of the approval of the refund of any amount a refund of which has been claimed, the registrant may, subject to subsection 4, retain for his own use such amount so approved.

Recovery
of excess
refund

(4) Any amount refunded under this Act in excess of the amount to which the person receiving the refund was entitled shall be deemed to be tax under this Act owing to the Crown, and the provisions of this Act relating to the assessment (including objection and appeal therefrom) and to collection of taxes apply *mutatis mutandis* to the said amount.

4. Section 13 of the said Act is amended by adding thereto the s. 13,
amended following subsection:

(2) Any person who, being an officer, director or agent of a Officers,
etc., of
corporations corporation, directed, authorized, assented to, acquiesced in or participated in the commission of any act that is an offence under this Act and for which the corporation would be liable for prosecution, is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

5. Section 17 of the said Act is repealed and the following s. 17,
re-enacted substituted therefor:

17. Where, owing to special circumstances, it is considered Relief from
interest inequitable that the whole amount of interest payable under this Act be paid, the Minister may exempt a person from payment of the whole or any part of the interest.

6. Section 18 of the said Act, as amended by the Statutes of s. 18,
re-enacted Ontario 1972, chapter 14, section 4 and 1972, chapter 147, section 9, is repealed and the following substituted therefor:

18.—(1) The Minister may refund the full tax imposed by Refunds this Act where the fuel on which the tax was paid was, in the opinion of the Minister, used exclusively,

(a) in the business of farming or commercial fishing; or

(b) in any business, industry or institution for any business, industrial or institutional purpose that is not prescribed by regulation to be excluded from the application of this section,

but no refund of tax may be made with respect to fuel used to operate a motor vehicle licensed or required to be licensed under *The Highway Traffic Act*, or used in any motor vehicle R.S.O. 1970,
c. 202 operated or intended to be operated principally for the pleasure or recreation of its owner or operator, or with respect to any fuel purchased prior to the 8th day of April, 1975 by the person claiming a refund under this section.

(2) A refund under this Act shall not be made unless an Application
for refund application therefor, accompanied by properly receipted invoices, is received by the Minister within two years of the date when the tax a refund of which is claimed was paid, and there shall be furnished to the Minister such evidence as he requires to satisfy him of the entitlement of the applicant to the refund claimed.

Over-
payments

(3) Where a registrant has transmitted to the Treasurer an amount in excess of the tax collectable by him under this Act and of the taxes, interest and penalties payable by him under this Act, such excess amount shall be refunded to him upon his application therefor made within two years of the date of his payment of such excess amount, and where any overpayment of tax by a registrant or a purchaser is the result of an assessment or reassessment under this Act or of the final decision of a court in proceedings commenced under section 10*a*, such overpayment shall, notwithstanding subsection 2, be refunded without an application therefor.

Exception

(4) Notwithstanding subsections 1, 2 and 3, the provisions of this Act and the regulations in force prior to the 8th day of April, 1975 with respect to refunds of tax imposed by this Act continue to apply to or with respect to tax paid under this Act on fuel purchased prior to that date.

s. 21 (*e*),
re-enacted

7.—(1) Clause *e* of section 21 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 14, section 5, is repealed and the following substituted therefor:

(*e*) prescribing purposes for which fuel is used that are excluded from the application of section 18.

s. 21,
amended

(2) The said section 21, as amended by the Statutes of Ontario 1972, chapter 14, section 5 and 1972, chapter 147, section 11, is further amended by adding thereto the following clauses:

(*j*) prescribing records to be kept by registrants, information to be shown in a return to be delivered by a registrant, and prescribing times or periods of time, in lieu of those mentioned in section 8, at which, or with respect to which, returns shall be delivered by any registrant or class of registrants;

(*k*) prescribing, for the purpose of subsection 3*a* of section 2, any manner of disposing of or consuming fuel;

(*l*) providing for the calculation and payment of interest on amounts paid in excess of the tax imposed by this Act, and prescribing the rate of such interest;

(*m*) providing for the refund in special circumstances of the whole or any part of the tax imposed by this Act, and prescribing the terms and conditions under which such refund may be made;

(n) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

8. This Act shall be deemed to have come into force on the 8th day of April, 1975. Commence-
ment
9. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1975*. Short title

CHAPTER 11

An Act to amend The Gasoline Tax Act, 1973

Assented to April 24th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Gasoline Tax Act, 1973*, being chapter 99, is amended by adding thereto the following sub-clause:

(iv) natural or manufactured gas, or any product that is commonly known as a liquefied petroleum gas, when any of them is purchased exclusively for use otherwise than to supply power to propel any vehicle of any kind on a highway within the meaning of *The Highway Traffic Act*.

s. 1 (d),
amended
2. This Act shall be deemed to have come into force on the 30th day of October, 1973.

R.S.O. 1970,
c. 202
3. This Act may be cited as *The Gasoline Tax Amendment Act, 1975*.

Commence-
ment
3. This Act may be cited as *The Gasoline Tax Amendment Act, 1975*.

Short title

CHAPTER 12

**An Act to regulate
Political Party Financing and
Election Contributions and Expenses**

Assented to May 2nd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “broadcasting undertaking” means a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada); R.S.C. 1970,
c. B-11
- (b) “by-election” means an election other than a general election;
- (c) “campaign period” means the period commencing with the issue of a writ for an election and terminating four months after polling day;
- (d) “candidate” means,
 - (i) a person who is duly nominated as a candidate for an electoral district in accordance with *The Election Act*, R.S.O. 1970,
c. 142
 - (ii) a person who is nominated by a constituency association of a registered party in an electoral district as the official candidate of such party in the electoral district, or
 - (iii) a person who, on or after the date of the issue of a writ for an election in an electoral district, declares himself to be an independent candidate at the election in the electoral district;
- (e) “Commission” means the Commission on Election Contributions and Expenses;

- (f) “constituency association” in an electoral district means the association or organization endorsed by a registered party as the official association of that party in the electoral district;
- (g) “contribution” does not include any goods produced by voluntary unpaid labour or any service performed by an individual voluntarily for a political party, constituency association or candidate without compensation from the political party, constituency association or candidate;
- (h) “election” means an election to elect a member or members to serve in the Assembly;
- (i) “general election” means an election in respect of which election writs are issued for all electoral districts;
- (j) “outdoor advertising facilities” means facilities, other than radio and television and newspapers, magazines and other periodical publications, of any person or corporation that is in the business of providing such facilities on a commercial basis for advertising purposes;
- (k) “person” includes a candidate but does not include a corporation or trade union;
- (l) “polling day” means the day fixed pursuant to *The Election Act* for holding the poll at an election;
- (m) “registered candidate” means a candidate registered under this Act;
- (n) “registered constituency association” means a constituency association registered under this Act;
- (o) “registered party” means a political party registered under this Act;
- (p) “revised list of voters” means the revised list of voters certified by the returning officer or an assistant revising officer under *The Election Act*;
- (q) “trade union” means a trade union as defined by *The Labour Relations Act* or the *Canada Labour Code* that holds bargaining rights for employees in Ontario to whom those Acts apply;
- (r) “year” means calendar year.

R.S.O. 1970,
c. 142

R.S.O. 1970,
c. 232
R.S.C. 1970,
c. L-1

(2) Corporations that are associated with one another under section 256 of the *Income Tax Act* (Canada) shall be considered as a single corporation for the purposes of this Act.

Associated corporations 1970-71, c. 63 (Can.)

(3) This Act does not apply to campaigns and conventions carried on or held in relation to the leadership of any registered party or in relation to contested constituency nominations for endorsement of official party candidates.

Leadership campaigns and contested constituency nominations

(4) This Act does not apply to,

Existing funds in trust

(a) funds held in trust on the day this section comes into force; and

(b) funds raised before the expiration of thirty days after the day this section comes into force by a fund-raising function organized before the day this section comes into force that are placed in trust,

for the purposes of a constituency association or the future candidacy of any person at an election or a future election campaign of any person, but the trustee or trustees of each such trust shall,

(c) within sixty days after the day this Act receives Royal Assent, report in writing to the Commission the existence of such trust and the total amount of the funds therein;

(d) maintain the funds remaining in the trust from time to time on deposit with a financial institution that is lawfully entitled to accept deposits or in investments authorized for trust moneys by *The Trustee Act*;

R.S.O. 1970, c. 470

(e) not permit funds or other property to be added to the trust other than interest on the amounts on deposit or the income from the investments referred to in clause *d*;

(f) file with the Commission on or before the 30th day of April in the year 1976 and in each year thereafter a report of the expenditures from the trust during the previous year and his declaration that he has complied with the provisions of clauses *d* and *e*; and

(g) when the trust is terminated, forthwith notify the Commission thereof.

Year
1975

(5) For the purposes of this Act, the period from 3:00 o'clock in the afternoon on the 13th day of February, 1975, to and including the 31st day of December, 1975 shall be deemed to be the calendar year 1975.

COMMISSION ON ELECTION
CONTRIBUTIONS AND EXPENSES

Commission
established

2.—(1) A commission is hereby established to be known as the Commission on Election Contributions and Expenses and composed of,

- (a) two persons as nominees of each political party that is represented in the Assembly by four or more members of the Assembly and that nominated candidates in at least 50 per cent of the electoral districts in the most recent general election appointed, on the recommendation of the leader of the party, by the Lieutenant Governor in Council for a term of not more than five years;
- (b) a bencher of the Law Society of Upper Canada appointed by the Lieutenant Governor in Council for a term of not more than five years to hold office only while he remains a bencher;
- (c) the Chief Election Officer; and
- (d) the chairman of the Commission who shall be appointed by the Lieutenant Governor in Council for a term of not more than ten years.

Vice-
chairman

(2) The members of the Commission shall elect one of the members appointed under clause *a* of subsection 1 as vice-chairman to serve as such for not more than two years.

Absence of
chairman

(3) In the absence of the chairman, the vice-chairman may act as chairman.

Meetings

(4) The Commission shall meet on the call of the chairman or of five or more members.

Quorum

(5) Five or more members of the Commission and the chairman or vice-chairman constitute a quorum.

Members not
to hold
office with
or contribute
to party

(6) Members of the Commission shall not, during their term of office, be members of the Assembly or candidates at an election or hold office in any political party or constituency association or make contributions to any political party or constituency association.

(7) Any member of the Commission may be reappointed for one additional term. Reappointment

(8) The chairman of the Commission shall be paid such salary and the other members except the Chief Election Officer shall be paid such *per diem* allowances as may be determined by the Lieutenant Governor in Council. Remuneration of members

3.—(1) The Commission may employ an Executive Director, legal counsel, auditors and such staff as it considers necessary to properly carry out its responsibilities under this Act. Staff

(2) The Commission may lease such premises and acquire such equipment and supplies as are necessary to properly carry out its responsibilities under this Act. Office accommodation and supplies

4.—(1) The Commission, in addition to its other powers and duties under this Act, shall, Powers and duties

- (a) assist political parties, constituency associations and candidates registered under this Act in the preparation of returns required under this Act;
- (b) ensure that every registered constituency association and registered candidate has appropriate auditing services in order to properly comply with this Act;
- (c) examine all financial returns filed with the Commission;
- (d) conduct periodic investigations and examinations of the financial affairs and records of registered political parties and constituency associations and of registered candidates in relation to election campaigns;
- (e) reimburse candidates for election expenses in accordance with section 45;
- (f) recommend any amendments to this Act that the Commission considers advisable;
- (g) report to the Attorney General any apparent contravention of this Act;
- (h) prescribe forms and the contents thereof for use under this Act and provide for their use;

- (i) prepare, print and distribute forms for use under this Act;
- (j) provide such guidelines as it considers necessary for the guidance of auditors and political parties, constituency associations and candidates and any of the officers thereof; and
- (k) publish a summary of each candidate's election receipts, expenses and subsidy in a newspaper having a general circulation in the electoral district in which he was a candidate.

Annual
report

(2) The Commission shall report annually upon the affairs of the Commission to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Powers of
Commission
under
1971. c. 49

5. For the purpose of carrying out any investigation or examination under this Act, the Commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation or examination as if it were an inquiry under that Act.

Powers of
inspection

6. For the purposes of an investigation or examination under this Act, a representative of the Commission, upon production of his authorization from the Commission to enter the premises (referred to in the authorization) in which the books, papers and documents of a political party, constituency association or candidate relevant to the subject-matter of the investigation or examination are kept, may at any reasonable time enter such premises and examine such books, papers and documents.

Information

7. Such information with respect to the affairs of a registered party or registered constituency association that is reasonably required in respect of its duties under this Act as the Commission may request shall be provided by the registered party or constituency association within thirty days after receiving a written request therefor from the Commission or within such extended period as the Commission may determine.

Expenditures
of
Commission

8. The remuneration of the members of the Commission and the expenditures required for the operation of the Commission are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature.

9. The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor. Audit

REGISTRATION

10.—(1) No political party and no person acting for the political party shall accept contributions for the political party or for any constituency association unless the political party is registered under this Act. Registration
of parties

(2) Any political party that,

Qualifications
for
registration

- (a) held a minimum of four seats in the Assembly following the most recent election;
- (b) nominated candidates in at least 50 per cent of the electoral districts in the most recent general election;
- (c) nominates candidates in at least 50 per cent of the electoral districts following the issue of a writ for a general election; or
- (d) at any time other than during a campaign period provides the Commission with the names, addresses and signatures of 10,000 persons who,
 - (i) are eligible to vote in an election, and
 - (ii) attest to the registration of the political party concerned,

may apply to the Commission for registration in the register of political parties.

(3) The Commission shall maintain a register of political parties and subject to this section shall register therein any political party that is qualified to be registered and that files an application for registration with the Commission, setting out, Application
for
registration

- (a) the full name of the political party;
- (b) the political party name or abbreviation to be shown in any election documents;
- (c) the name of the leader of the political party;
- (d) the address of the place or places where records of the political party are maintained and of the place to which communications may be addressed;

- (e) the names of the principal officers of the political party;
- (f) the name of the chief financial officer of the political party;
- (g) the names of all persons authorized by the political party to accept contributions;
- (h) the name and address of every chartered bank, trust company or other financial institution that is lawfully entitled to accept deposits to be used by the political party as the depositories for contributions made to that political party;
- (i) the names of the political party signing officers responsible for each depository referred to in clause *h*; and
- (j) a statement of the assets and liabilities of the political party as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

Registration
by
Commission

(4) Upon receipt of an application for registration of a political party, the Commission shall examine the application and determine if the political party can be registered, and,

- (a) if the political party can be registered, enter it in the register of political parties and so inform the political party; or
- (b) if the political party cannot be registered, so inform the political party with written reasons for its determination.

Name of
political
party

(5) The Commission shall not register a political party where the name of the party includes the word "independent" or where in the opinion of the Commission the name or the abbreviation of the name of the party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with that registered party.

Variation
of register

(6) Where any of the information referred to in clauses *a* to *i* of subsection 3 is altered, the registered party shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of political parties accordingly.

11.—(1) No constituency association of a registered party and no person acting for the constituency association shall accept contributions for the constituency association or for the registered party unless the constituency association is registered under this Act. Registration
of
constituency
associations

(2) The Commission shall maintain a register of constituency associations and, subject to this section, shall register therein any constituency association of a registered party that files an application for registration with the Commission setting out, Application
for
registration

- (a) the full name of the constituency association and of the registered party by which it is endorsed;
- (b) the address of the place or places where records of the constituency association are maintained and of the place to which communications may be addressed;
- (c) the names of the principal officers of the constituency association;
- (d) the name of the chief financial officer of the constituency association;
- (e) the names of all persons authorized by the constituency association to accept contributions;
- (f) the name and address of every chartered bank, trust company or other financial institution that is lawfully entitled to accept deposits to be used by the constituency association as the depositories for all contributions made to that constituency association;
- (g) the names of the constituency association signing officers responsible for each depository referred to in clause *f*; and
- (h) a statement of the assets and liabilities of the constituency association as of a date not earlier than ninety days prior to the date of its application for registration attested to by the chief financial officer.

(3) Upon receipt of an application for registration of a constituency association, the Commission shall examine the application and determine if the constituency association can be registered and, Registration
by
Commission

- (a) if the constituency association can be registered, enter it in the register of constituency associations and so inform the constituency association; or

- (b) if the constituency association cannot be registered, so inform the constituency association with written reasons for its determination.

Variation
of register

(4) Where any of the information referred to in clauses *a* to *g* of subsection 2 is altered, the registered constituency association shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of constituency associations accordingly.

Application
of
registration
provisions
to certain
parties

12. Sections 10 and 11 do not apply to any political party or its constituency associations, except the political parties and their constituency associations that are deemed by section 13 to be registered under this Act, until the date named in a notice published by the Commission in *The Ontario Gazette* as the first day upon which applications for registration of political parties and constituency associations will be received for filing by the Commission.

Certain
political
parties and
constituency
associations
deemed
registered

13.—(1) Every political party that is qualified under clause *a* of subsection 2 of section 10 to be registered under this Act shall be deemed to be registered under this Act as of 3:00 o'clock in the afternoon on the 13th day of February, 1975 and each constituency association of such political party shall be deemed to be registered under this Act as of 3:00 o'clock in the afternoon on the 13th day of February, 1975.

Application
required

(2) When a political party or a constituency association referred to in subsection 1 or 5 receives a request in writing from the Commission to file an application for registration under this Act, it shall immediately comply with such request and when the political party or constituency association becomes registered as the result of the application therefor, subsection 1 ceases to apply to it.

Receipt of
contributions
before
registration
following
application

(3) Where contributions are received by or on behalf of a political party or constituency association referred to in subsection 1, during the period from 3:00 o'clock in the afternoon on the 13th day of February, 1975, to and including the day it becomes registered as a result of an application therefor under subsection 2, notwithstanding any other provision of this Act, the political party and constituency association shall cause each contribution accepted by it to be recorded as to amount and source and deposited in an account in a chartered bank, trust company or other institution that is lawfully entitled to accept deposits and shall issue receipts therefor in accordance with this Act within a reasonable time after it becomes registered as the result of an application therefor under subsection 2.

(4) Any constituency association referred to in subsection 1 that by reason of *The Representation Act, 1975*,

Constituency associations abolished or replaced by changes in electoral districts 1975, c. 13

(a) ceases to exist, shall be deemed never to have been registered under subsection 1; or

(b) is replaced by another constituency association, such other constituency association shall be deemed to be an association referred to in subsection 1.

(5) Any new constituency association endorsed by a political party referred to in subsection 1 that was formed by reason of *The Representation Act, 1975* and that does not replace a constituency association referred to in subsection 1 shall be deemed to be registered under this Act on the date of its formation.

New constituency association

14.—(1) The Commission may deregister,

Deregistration of parties and constituency associations, on application

(a) a registered party on an application therefor by the registered party; or

(b) a registered constituency association on an application therefor by the constituency association and the registered party concerned.

(2) Where the chief financial officer of a registered party or registered constituency association fails to comply with section 42 or 43, the Commission may deregister the registered party or constituency association, as the case may be.

For non-compliance with certain provisions of Act

(3) Where under subsection 2 the Commission proposes to deregister,

Notice of proposal to deregister party or association

(a) a political party, it shall send by registered mail notice of its proposal with written reasons therefor to the political party; or

(b) a constituency association, it shall send by registered mail notice of its proposal with written reasons therefor to the constituency association and the political party concerned,

and the political party or constituency association so notified, within thirty days after the sending of the notice, may request the Commission in writing to review its proposal.

Review

(4) Where the Commission receives a written request to review its proposal, it shall review the proposal and give the political party and constituency association notified under subsection 3, an opportunity to make representation to the Commission and following a review of the proposal, the Commission may withdraw its proposal or deregister the political party or constituency association, as the case may be, and shall,

- (a) where the proposed deregistration involves a political party, notify it in writing; and
- (b) where the proposed deregistration involves a constituency association, notify in writing the constituency association and the political party concerned,

of its decision.

Party and associations thereof deregistered

(5) Where a political party is deregistered, the registered constituency associations of such political party are thereby also deregistered.

Reregistration

(6) Where a political party or constituency association is deregistered for failure to comply with section 42 or 43, it may not apply for registration until the financial statements as required by section 42 or 43 together with the auditor's report thereon as required by subsection 4 of section 41 that were not filed have been filed with the Commission.

Disposition of funds upon deregistration

(7) Where a political party or constituency association is deregistered, all funds of the political party or constituency association not required to pay any outstanding debts thereof shall be paid over to the Commission and held by the Commission in trust for the political party or constituency association and, if the political party or constituency association does not become registered under this Act within a period of two years following its deregistration, the funds shall escheat to the Commission to be used by the Commission in carrying out its responsibilities under this Act.

Registration of candidate

15.—(1) No person who becomes a candidate at an election and no person acting on his behalf shall,

- (a) accept contributions during the campaign period; or

- (b) use any funds, including the funds of the person who becomes a candidate, for the purposes of an election campaign during the campaign period,

until the person who becomes a candidate is or becomes registered under this Act.

(2) The Commission shall maintain a register of candidates in relation to each election held after this section comes into force and, subject to this section, shall register therein any candidate that files an application for registration with the Commission setting out,

Application
for
registration

- (a) that he,

- (i) has been duly nominated in accordance with *The Election Act* in the electoral district of _____, R.S.O. 1970,
c. 142

- (ii) has not been duly nominated in accordance with *The Election Act* but has been nominated by the constituency association of _____ in the electoral district of _____ and has enclosed with his application a statement to that effect attested to by the chief financial officer of the association, or

- (iii) has not been duly nominated in accordance with *The Election Act* but, after the issue of a writ for an election in an electoral district, has declared himself an independent candidate at the election in the electoral district of _____;

- (b) the full name and address of the candidate;
- (c) the political party affiliation, if any, of the candidate;
- (d) the address of the place or places where records of the candidate are maintained and of the place to which communications may be addressed;
- (e) the name of the auditor and chief financial officer of the candidate;
- (f) the names of all persons authorized by the candidate to accept contributions;
- (g) the name and address of every chartered bank, trust company or other financial institution that

is lawfully entitled to accept deposits to be used by or on behalf of the candidate as the depositories for all contributions made to that candidate; and

(h) the names of the persons responsible for each depository referred to in clause g.

Effective date of registration

(3) A candidate who files an application under subsection 2,

(a) prior to the issue of a writ for an election shall be deemed to be registered effective from the issue of the writ; and

(b) after the issue of a writ for an election shall be deemed to be registered on and after the day following the day of filing.

Mailing of application deemed filing

(4) An application under subsection 2 may be filed with the Commission by registered mail in which case it shall be deemed to be filed on the second day after it is mailed.

Deregistration where candidacy withdrawn
R.S.O. 1970, c. 142

(5) Where a registered candidate who was duly nominated in accordance with *The Election Act* withdraws his candidacy in accordance with that Act or a person who becomes registered before becoming so nominated does not become nominated as a candidate in accordance with *The Election Act*, he shall so notify the Commission in writing and the Commission shall delete his name from the register of candidates.

Inspection of information on file with Commission

16.—(1) All documents filed with the Commission are public records and may be inspected by any person upon request at the offices of the Commission during normal office hours.

Extracts

(2) Any person may take extracts from the documents referred to in subsection 1 and is entitled to copies thereof upon payment for the preparation of the copies at such rate as the Commission may determine.

CONTRIBUTIONS

Contributors and how contributions to be made

17.—(1) Contributions to political parties, constituency associations and candidates registered under this Act may be made only by persons individually, corporations and trade unions.

How contributions of money to be made

(2) Moneys contributed to political parties, constituency associations and candidates registered under this Act in

amounts in excess of \$10 shall be made only by a cheque having the name of the contributor legibly printed thereon signed by the contributor and drawn on an account in the contributor's name or by a money order signed by the contributor.

(3) All moneys accepted by or on behalf of a political party, constituency association or candidate registered under this Act shall be paid into the appropriate depository on record with the Commission.

Depositing
of con-
tributions

18. Any anonymous contribution received by a political party, constituency association or candidate registered under this Act shall not be used or expended, but shall be returned to the contributor if the contributor's identity can be established, and if the contributor's identity cannot be established, the contribution shall be paid over to the Commission and become part of the funds of the Commission to be used by the Commission in carrying out its responsibilities under this Act.

Anonymous
contribu-
tions

19.—(1) Contributions by any person, corporation or trade union to political parties, constituency associations and candidates registered under this Act are limited to those set out in clauses *a* and *b* and shall not exceed,

Limitation
on con-
tributions

(*a*) in any year,

(i) \$2,000 to each registered party, and

(ii) \$500 to any registered constituency association, but in respect of registered constituency associations of a registered party, an aggregate of \$2,000 to constituency associations of each registered party; and

(*b*) in any campaign period in addition to contributions authorized under clause *a*,

(i) \$2,000 in relation to the election in such period to each registered party, and

(ii) \$500 in relation to the election in such period to any registered candidate, but in respect of candidates endorsed by a registered party, an aggregate of \$2,000 to registered candidates of each registered party.

(2) Where writs for two or more by-elections bear the same date and provide for the same polling day, all such by-elections

By-elections

shall be deemed one election for the purposes of clause *b* of subsection 1.

Candidate's
funds
deemed
contribution

(3) Any moneys to be used for a political campaign by a candidate out of his own funds shall be deemed to be a contribution for the purposes of this Act and shall be paid into a depository on record with the Commission.

Contributor
to contribute
only funds
belonging
to him

20.—(1) Subject to section 32, no person, corporation or trade union shall contribute to any political party, constituency association or candidate registered under this Act funds not actually belonging to him or it or any funds that have been given or furnished to him or it by any person or group of persons or by a corporation or trade union for the purpose of making a contribution thereof.

Prohibition
to accept
contributions
contrary to
subsection 1

(2) No political party, constituency association or candidate registered under this Act, and no person on its or his behalf shall solicit or knowingly accept any contribution contrary to the provisions of subsection 1.

Return of
contribution

(3) Where the chief financial officer learns that any contribution received by or on behalf of the political party, constituency association or candidate for whom he acts was made contrary to subsection 1, he shall, within thirty days after learning that the contribution was made contrary to subsection 1, return the contribution or an amount equal to the sum contributed.

Funds from
federal
parties
1973-74,
c. 51 (Can.)

21. No political party, constituency association or candidate registered under this Act shall accept funds from a federal political party registered under the *Election Expenses Act* (Canada) except that during a campaign period a registered party may accept from such a federal political party an amount not exceeding, in the aggregate, \$100 for each registered candidate endorsed by that registered party and such funds shall be considered not to be contributions for the purposes of this Act but shall be recorded as to source and deposited in the appropriate depository on record with the Commission.

Value of
goods and
services

22.—(1) The value of goods and services, other than those that are not contributions under clause *g* of subsection 1 of section 1, provided to a political party, constituency association or candidate registered under this Act shall be,

(a) where the contributor is in the business of supplying such goods or services, the lowest amount charged

by him or it for an equivalent amount of the same goods and services at or about the time and in the market area in which the goods or services are provided; and

- (b) where the contributor is not in the business of supplying such goods or services, the lowest amount charged, at or about the time the goods or services are provided, by any other person or corporation providing the same goods on a commercial retail basis or services on a commercial basis in the market area in which the goods or services are provided.

(2) Only,

Amount
over \$100
considered
contribu-
tions

- (a) a contribution of goods or services having a value of more than \$100; and
- (b) contributions of goods or services from a single source in any year, excluding any campaign period or part thereof in that year, or in any campaign period that in the aggregate have a value of more than \$100,

shall be considered as a contribution for the purposes of this Act.

(3) Where goods or services are provided to a political party, constituency association or candidate registered under this Act for a price that is less than the value of the goods or services as determined under subsection 1, the amount that the price is less than such value shall, subject to subsection 2, be a contribution for the purposes of this Act.

Where goods
or services
provided for
price less
than value
determined
under subs. 1

23.—(1) Where any person, corporation or trade union with the knowledge and consent of a political party or candidate registered under this Act promotes the political party or the election of the candidate or opposes any other registered party or the election of any other registered candidate by advertising on the facilities of any broadcasting undertaking or by publishing an advertisement in any newspaper, magazine or other periodical publication or printed leaflets, pamphlets or other documents or through the use of any outdoor advertising facility and the amount of the cost thereof,

Advertising
as con-
tribution

- (a) in the case of any single such advertisement or publication is more than \$100; and

- (b) in the case of any such advertisements and publications from a single source published in any year, excluding any campaign period or part thereof in that year, or in any campaign period in the aggregate exceeds \$100,

such amount shall be considered as a contribution for the purposes of this Act to the political party or candidate with whose knowledge and consent the advertising was done.

Identifica-
tion

(2) No person, corporation, trade union or registered party or constituency association shall cause any political advertisement to be published in any newspaper, magazine or other periodical publication or through the use of any outdoor advertising facility unless he or it furnishes to the publisher of the advertisement his or its identification, in writing, together with the identification, in writing, of any person, corporation or trade union or registered party or constituency association sponsoring the political advertisement.

Inspection
of
publisher's
records

(3) Any publisher who publishes a political advertisement shall maintain records for a period of two years after the date of publication setting forth such advertisement, the charge therefor and any material relating to identification furnished to him in connection therewith and shall permit the public to inspect such records during normal office hours.

Political
advertis-
ment

(4) For the purposes of subsections 2 and 3, "political advertisement" means any matter promoting or opposing any registered party or the election of any registered candidate but does not include any *bona fide* news stories (including interviews, commentaries or other works prepared for and published by any newspaper, magazine or other periodical publication the publication of which works are not paid for by or on behalf of any political party, constituency association or candidate).

Fund-
raising
events

24.—(1) In this section, "fund-raising function" includes suppers, dances, garden parties and any other social function held for the purpose of raising funds for the political party, constituency association or candidate registered under this Act by whom or on whose behalf the function is held.

Income
to be
reported

(2) The gross income from any fund-raising function shall be recorded and reported to the Commission by the chief financial officer of the political party, constituency association or candidate registered under this Act that held or on whose behalf the function was held.

(3) Where an individual charge by the sale of tickets or otherwise is made for a fund-raising function, half of the charge shall be allowed for expenses and, where the amount of the other half of the charge exceeds \$10, such amount shall be considered a contribution to the political party, constituency association or candidate registered under this Act that held or on whose behalf the function was held, provided that where the individual charge is \$50 or more the amount allowed for expenses shall be \$25 and the amount of the charge in excess of \$25 shall be considered a contribution.

When part of individual charge considered contribution

(4) Except as provided in subsection 3, funds raised by a fund-raising function shall be considered not to be contributions for the purposes of this Act.

Funds raised

25. Where at a meeting held on behalf of or in relation to the affairs of a candidate, political party or constituency association registered under this Act money is given in response to a general collection of money solicited from the persons in attendance at the meeting, no amount shall be given anonymously by any person in excess of \$5 and the amounts so given shall be considered not to be contributions for the purpose of this Act but the gross amount collected shall be recorded and reported to the Commission by the chief financial officer of the candidate, political party or association, as the case may be.

Collection of moneys at meetings

26. Every political party, constituency association or candidate registered under this Act shall issue or cause to be issued receipts as required by the Commission for every contribution accepted.

Receipts

27.—(1) Any contribution to a political party, constituency association or candidate registered under this Act made through any unincorporated association or organization, except a trade union, shall be recorded by the unincorporated association or organization as to the individual sources and amounts making up such contribution.

Group contributions

(2) The amounts making up a contribution under subsection 1 that are attributable to any person, corporation or trade union are contributions of such person, corporation or trade union for the purposes of this Act.

Application of Act to amounts making up contribution

28. A registered party, and any of its constituency associations or official candidates registered under this Act may transfer to or accept funds, goods and services from each other and all such funds, goods and services accepted by such political party, constituency association or candidate shall be

Transfer of funds, etc., among parties, constituency associations and candidates

considered not to be contributions for the purposes of this Act but shall be recorded as to source and any funds accepted shall be deposited in the appropriate depository on record with the Commission.

Parties,
etc., not
to receive
contribu-
tions in
excess of
limitations

29.—(1) No political party, constituency association or candidate registered under this Act and no person on its or his behalf shall knowingly accept any contributions in excess of the limits imposed by this Act.

Return of
contribu-
tion

(2) Where the chief financial officer learns that any contribution was accepted by or on behalf of the political party, constituency association or candidate for whom he acts in excess of the limits imposed by this Act, he shall, within thirty days after learning thereof, return the amount of the contribution that is in excess of the limits.

Contribu-
tions
prohibited
from outside
Ontario and
to persons,
etc., outside
Ontario

30.—(1) No political party, constituency association or candidate registered under this Act shall, directly or indirectly,

(a) knowingly accept contributions from any person normally resident outside Ontario, from any corporation that does not carry on business in Ontario or from a trade union other than a trade union as defined in this Act; or

(b) contribute or transfer funds to any political party, constituency association or candidate not registered under this Act except that “during an election” as defined in the *Canada Elections Act* a registered party may transfer to a federal political party registered under the *Election Expenses Act* (Canada) an amount not exceeding, in the aggregate, \$100 for each candidate at a federal election in a federal electoral district in Ontario who is endorsed as a candidate by that federal party.

1973-74,
c. 14 (Can.)

1973-74,
c. 51 (Can.)

Return of
contribution

(2) Where the chief financial officer learns that any contribution was accepted by or on behalf of the political party, constituency association or candidate for whom he acts from any person normally resident outside Ontario or from any corporation that does not carry on business in Ontario or from a trade union other than a trade union as defined in this Act, he shall, within thirty days after learning thereof, return the contribution or an amount equal to the sum contributed.

Annual
membership
fees

31. An annual membership fee paid for membership in a political party or in a constituency association of such party

or in both may be considered not to be a contribution for the purposes of this Act provided such fee or, where a fee is paid to the party and to a constituency association of that party, the total of such fees does not exceed \$10 and the political party and constituency association maintain a membership list indicating the amount of such fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be.

32. Contributions of not more than 10 cents per month by any member of a bargaining unit represented by a trade union through payroll deductions shall not be considered contributions from a person for the purposes of this Act, but any amounts contributed to a political party, constituency association or candidate registered under this Act from such funds shall be deemed to be a contribution from the trade union. Trade unions check-off

33. No contribution shall be accepted by a registered candidate otherwise than through his chief financial officer or other person on record with the Commission as authorized to accept contributions. Who may accept contributions for candidate

34.—(1) Every political party and constituency association that is applying for registration under this Act, before filing its application with the Commission, and every political party and constituency association that is deemed by section 13 to be registered under this Act, within 30 days after the day this Act receives Royal Assent, shall appoint a chief financial officer. Chief financial officer, of party or association

(2) Every candidate shall appoint a chief financial officer for the purposes of this Act. of candidate

(3) Where a chief financial officer appointed pursuant to subsection 1 or 2 ceases for any reason to hold office as such, the political party, constituency association or candidate, as the case may be, shall forthwith appoint another chief financial officer. Idem

(4) The chief financial officer of a political party, constituency association and candidate registered under this Act in relation to the affairs of the party, constituency association or candidate who appointed him, shall be responsible for ensuring that, Responsibilities

- (a) proper records are kept of all receipts and expenditures;
- (b) contributions are placed in the appropriate depository;

- (c) proper receipts are completed and dealt with in accordance with this Act;
- (d) the financial statements as required by sections 42 and 43 together with the auditor's report thereon are filed with the Commission in accordance with this Act; and
- (e) contributions consisting of goods or services are valued and recorded in accordance with this Act.

Recording
of con-
tributions

35.—(1) Where any person, on behalf of a political party, constituency association or candidate registered under this Act accepts in any year,

- (a) a single contribution in excess of \$10; or
- (b) contributions from a single source in any year, excluding any campaign period or part thereof in that year, or in any campaign period that in the aggregate exceed \$10,

the chief financial officer shall record all such contributions and in the case of a single contribution of more than \$100 and contributions from a single source in any year, excluding any campaign period or part thereof in that year, or in any campaign period that in the aggregate exceed \$100, the name and address of the contributor.

Recording of
contribu-
tions for
election
campaign to
be separate
from annual
contribu-
tions

(2) All contributions referred to in subsection 1 accepted on behalf of a political party, constituency association or candidate registered under this Act during a campaign period in any year shall be recorded separately from other contributions accepted during that year.

Returns

(3) Every political party, constituency association and candidate registered under this Act shall file with the Commission,

- (a) within the period during which a financial statement must be filed relating to a campaign period, a return setting out all the information required to be recorded under subsections 1 and 2 by the political party, constituency association or candidate relating to the campaign period; and
- (b) within the period during which an annual financial statement must be filed, a return setting out all the information required to be recorded under subsection 1, excluding the information required to be included in a return under clause *a*.

BORROWING

36. A political party, constituency association or candidate registered under this Act may borrow from any chartered bank or other recognized lending institution provided that all such loans and the terms thereof are recorded by the political party, constituency association or candidate and reported by it or him to the Commission.

Borrowing
by parties,
etc.

LOANS

37.—(1) No person, corporation, trade union, or unincorporated association or organization shall sign, co-sign or provide collateral responsibility for any loan, monetary obligation or indebtedness on behalf or in the interest of any political party, constituency association or candidate registered under this Act.

Guarantee
of loans
to parties,
etc.,
prohibited

(2) No political party, constituency association or candidate registered under this Act shall receive any contribution from any person, corporation, trade union, or unincorporated association or organization in the form of a loan other than from a registered party or registered constituency association.

Parties,
etc., not
to accept
loans

(3) Subsections 1 and 2 do not apply to a guarantee of a loan referred to in section 36.

Exception

CAMPAIGN ADVERTISING

38.—(1) No political party, constituency association or candidate registered under this Act and no person acting with its or his knowledge and consent shall, after the issue of a writ for an election and before the day immediately following polling day, except during the period of twenty-one days immediately preceding the day before polling day,

Period of
campaign
advertising
limited

- (a) advertise on the facilities of any broadcasting undertaking; or
- (b) procure for publication, cause to be published or consent to the publication of, except during such period, an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for the purpose of promoting or opposing any registered party or the election of a registered candidate.

Exceptions

(2) Subsection 1 does not apply,

- (a) to advertising of public meetings in constituencies;
- (b) to announcing constituency headquarters locations;
- (c) to announcing services for voters by constituency associations respecting enumeration and revision of lists of voters; or
- (d) to any other matter respecting administrative functions of constituency associations,

provided that advertisements, announcements and other matters are done in accordance with the guidelines of the Commission.

Rates to be charged to parties, constituency associations and candidates for broadcasting time and advertising space

(3) No person or corporation shall,

- (a) charge a registered party, constituency association or candidate, or any person acting with its or his knowledge and consent, a rate for broadcasting time on any broadcasting undertaking in the period beginning on the twenty-first day before the day immediately before polling day at an election and ending on the second day before polling day, that exceeds the lowest rate charged by him or it for an equal amount of equivalent time on the same facilities made available to any other person in that period; or
- (b) charge a registered party, constituency association or candidate, or any person acting with its or his knowledge and consent, a rate for an advertisement in a periodical publication published or disbursed and made public in the period referred to in clause *a* that exceeds the lowest rate charged by him or it for an equal amount of equivalent advertising space in the same issue of the periodical or in any other issue thereof published or disbursed and made public in that period.

Limitation on advertising costs

39. The total expenses incurred for advertising by a political party, constituency association or candidate registered under this Act, including advertising done by any person, corporation or trade union with the knowledge and consent of the political party, constituency association or candidate, by the use of time on the facilities of any broadcasting undertaking or by publishing in any newspaper,

magazine or other periodical publication or by display through the use of any outdoor advertising facility shall not, during the period referred to in subsection 1 of section 38 exceed,

- (a) in the case of a registered party in relation to a general election, the aggregate amount determined by multiplying 25 cents by the number of names appearing on all of the revised lists of voters at the election for the electoral districts in which there is an official candidate of the party;
- (b) in the case of a registered party in relation to a by-election in an electoral district, the amount determined by multiplying 50 cents by the number of names appearing on the revised list of voters for the electoral district; and
- (c) in the case of,
 - (i) a registered constituency association of a registered party and the official candidate of such party in an electoral district, or
 - (ii) an independent candidate in an electoral district,

the amount determined by multiplying 25 cents by the number of names appearing on the revised list of voters for the electoral district.

FOUNDATION

40.—(1) A political party shall, prior to filing an application for registration under this Act, establish a non-profit corporation as a foundation for the purposes of receiving and managing the assets, except the premises, equipment, supplies and other such property required for the administration of the affairs of the party, held by the political party immediately prior to filing such application and,

- (a) all the assets of the foundation shall consist of deposits with The Province of Ontario Savings Office, a bank to which the *Bank Act* (Canada) applies or a trust company registered under *The Loan and Trust Corporations Act* or shall be invested in investments authorized for trust moneys by *The Trustee Act*;

Establishment of foundation

R.S.C. 1970, c. B-1
R.S.O. 1970, cc. 254, 470

- (b) no funds or other property shall be received by or transferred to the foundation after the filing of an application for registration of that political party other than interest on the amounts on deposit or the income from investments referred to in clause *a*; and
- (c) the foundation shall file with the Commission, on or before the 31st day of May in each year, a report of the expenditures of the foundation during the previous year.

Foundation
funds not
contribu-
tions

(2) Funds transferred by the foundation to a political party, constituency association or candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds.

AUDITORS

Appointment
of auditor,
by party or
constituency
association

R.S.O. 1970,
c. 373

41.—(1) Every candidate, at the time of appointment of his chief financial officer, and every registered party and registered constituency association, within thirty days after becoming registered under this Act, shall appoint an auditor licensed under *The Public Accountancy Act* or a firm whose partners are licensed under that Act.

Idem

(2) Where an auditor appointed pursuant to subsection 1 ceases for any reason, including resignation, to hold office as such, ceases to be qualified as provided in subsection 1 or becomes ineligible as provided in subsection 3, the candidate, party or constituency association, as the case may be, shall forthwith appoint another auditor licensed under *The Public Accountancy Act* or firm whose partners are licensed under that Act.

Persons not
eligible

(3) No returning officer, deputy returning officer or election clerk and no candidate, official agent or chief financial officer of a candidate or chief financial officer of a registered party or constituency association shall act as the auditor for a candidate or registered party or constituency association, but nothing in this subsection makes ineligible the partners or firm with which such a person is associated from acting as an auditor for a candidate or registered party or constituency association.

Auditor's
report

(4) The auditor appointed pursuant to subsection 1 or 2 shall make a report to the chief financial officer of a candidate, political party or constituency association that appointed him in respect of the financial statements, as required by sections 42 and 43, and shall make such

examination as will enable him to state in his report whether in his opinion the financial statement presents fairly the information contained in the accounting records on which the financial statement is based.

(5) An auditor, in his report pursuant to subsection 4, shall make such statements as he considers necessary in any case where, ^{Where statement required}

- (a) he has not received from the chief financial officer all the information and explanation that he has required; or
- (b) proper accounting records have not been kept by the chief financial officer so far as appears from his examination.

(6) An auditor appointed pursuant to subsection 1 or 2 shall have access at all reasonable times to all records, documents, books, accounts and vouchers of the candidate, political party or constituency association that appointed him and is entitled to require from his or its chief financial officer such information and explanation as in his opinion may be necessary to enable him to report as required by subsection 4. ^{Right of access}

(7) The Commission shall subsidize the cost of auditors' services for constituency associations and candidates by paying, ^{Audit subsidy}

- (a) to the auditor of each constituency association in respect of an audit for the association under section 42 and under section 43, the lesser of \$250 and the amount of the auditor's account to the association; and
- (b) to the auditor of a candidate in respect of an audit for the candidate under section 43, the lesser of \$500 and the amount of the auditor's account to the candidate.

AUDIT

42.—(1) The chief financial officer of every political party and constituency association registered under this Act shall, on or before the 31st day of May in the year 1976 and in each year thereafter, file with the Commission financial statements of assets and liabilities and of receipts and expenses for the previous year of the political party or constituency association for which he acts, excluding cam- ^{Annual filing of financial statement and report}

paign receipts and expenses relating to an election during a campaign period, together with the auditor’s report thereon as required by subsection 4 of section 41.

Where
registration
within four
months of
end of year

(2) Where a political party or constituency association becomes registered under this Act within the last four months of any year, the financial statement filed with its application for registration shall be deemed compliance with subsection 1 in relation to that year.

Campaign
period
filing of
financial
statement
and report

43.—(1) The chief financial officer of every political party, constituency association and candidate registered under this Act shall, within six months after polling day, file with the Commission a financial statement of receipts and expenses of the political party, constituency association or candidate for which he acts relating to the election during the campaign period, together with the auditor’s report thereon as required by subsection 4 of section 41.

By-elections

(2) In relation to a by-election, subsection 1 applies only to registered parties and constituency associations that received contributions or made expenditures in relation to such by-election and to registered candidates at such by-election.

Candidate

(3) In this section, “candidate” means a person who is duly nominated as a candidate at an election in accordance with *The Election Act*.

R.S.O. 1970,
c. 142

Failure of
candidate
not elected to
file
statement
and report

44.—(1) Where the chief financial officer of a registered candidate who is not declared elected fails to file a financial statement as required by section 43, together with the auditor’s report thereon as required by subsection 4 of section 41, the candidate, in addition to any other penalty, is ineligible to stand as a candidate at any election up to and including the next general election unless prior thereto he or his chief financial officer has filed such financial statement and the auditor’s report thereon with the Commission.

Failure
of elected
candidate
to file
statement
and report

(2) Where the chief financial officer of a registered candidate who is elected as a member of the Assembly fails to file a financial statement as required by section 43, together with the auditor’s report thereon as required by subsection 4 of section 41, the Commission shall notify the Speaker who shall inform the Assembly and if the Assembly finds no mitigating reason for non-compliance, the member may not resume his seat in the Assembly until he or his chief financial officer has filed such statement and the auditor’s report thereon with the Commission and

the Commission has so notified the Speaker, and, in addition, the member is liable to any other penalty that may be imposed under any Act.

(3) Where a member or his chief financial officer fails to file a financial statement and the auditor's report thereon with the Commission within sixty days after the Speaker has informed the Assembly under subsection 2, the Speaker shall so inform the Assembly and the seat of the member shall thereby be vacated and the Speaker shall address his warrant under his hand and seal to the Chief Election Officer for the issue of a writ for the election of a member in the place of the member whose seat is vacated and the writ shall issue accordingly.

Vacation
of seat

PUBLIC FUNDING OF CANDIDATE EXPENSES

45.—(1) Every registered candidate in an electoral district who receives at least 15 per cent of the popular vote in such electoral district is entitled to be reimbursed by the Commission for the lesser of his campaign expenses for the campaign period as shown on his financial statement of receipts and expenses filed with the Commission in accordance with section 43, together with the auditor's report in accordance with subsection 4 of section 41, or the amount that is the aggregate of 16 cents for each of the first 25,000 voters in his electoral district and 14 cents for each voter in excess of 25,000 in his electoral district.

Reimburse-
ment of
election
expenses

(2) In relation to candidates in the electoral districts of Cochrane North, Rainy River, Kenora, Lake Nipigon, Algoma and Nickel Belt, as set out in the Schedule to *The Representation Act, 1975*, the amount determined under subsection 1 shall be increased by \$2,500.

Idem

1975, c. 13

(3) A candidate is not entitled to be reimbursed for expenses under subsection 1 unless he or his chief financial officer has filed a financial statement of receipts and expenses as required by section 43, together with the auditor's report thereon as required by subsection 4 of section 41, and the Commission is satisfied that such statement meets the requirements of this Act.

No reim-
bursement
unless
financial
statement
and report
filed

(4) Where the candidate's financial statement shows a deficit and the candidate is entitled to be reimbursed for expenses under subsection 1, the moneys payable to his chief financial officer shall be first applied to discharge the debts creating the deficit.

Moneys to
be applied
to discharge
debts of
candidate

Surplus in
candidate's
account

(5) Any surplus, determined by taking into account in the financial statement of an official candidate for a registered party the moneys paid to the candidate's chief financial officer under this section, shall be paid over to one or more registered parties or registered constituency associations.

Voter

(6) In this section "voter" in an electoral district means a person whose name appears on the revised list of voters for that electoral district.

FORMS

Form

46. All applications, returns, statements, balance sheets, and other documents required to be filed with the Commission shall be filed in the form prescribed therefor by the Commission.

OFFENCES

Offence
by chief
financial
officer

47.—(1) The chief financial officer of a political party, constituency association or candidate registered under this Act who contravenes section 42 or 43 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offence by
party or
constituency
association

(2) Where any contravention of this Act that is an offence by virtue of subsection 1 is committed by a chief financial officer of a political party, constituency association or candidate registered under this Act, the political party or constituency association or candidate for which the chief financial officer acts is guilty of an offence and on summary conviction is liable,

- (a) in the case of a registered party, to a fine of not more than \$2,000; and
- (b) in the case of a registered constituency association or registered candidate, to a fine of not more than \$1,000.

Offence by
corporation
or union

48. Every corporation or trade union that contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

General
offence

49. Every person, political party or constituency association that contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

50. No person shall obstruct a person making an investigation or examination under this Act or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination. Offence for obstructing investigation

51. No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Commission under this Act. Offence for false statement

52. No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions. Offence for false information

53.—(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association or trade union in the name of the political party, constituency association or trade union and for the purposes of any such prosecution, a political party, constituency association or trade union shall be deemed to be a person. Style of prosecution of party, constituency association or union

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association or trade union within the scope of his authority to act on behalf of the political party, constituency association or trade union shall be deemed to be an act or thing done or omitted by the political party, constituency association or trade union. Vicarious responsibility

54. No prosecution shall be instituted under this Act without the consent of the Commission. Consent of Commission

55.—(1) Subsection 1 of section 158 of *The Election Act*, being chapter 142 of the Revised Statutes of Ontario, 1970, as renumbered by the Statutes of Ontario, 1971, chapter 100, section 10, is amended by striking out “No contribution, payment, loan, gift, advance or deposit of money or its equivalent in excess of \$50 shall be received by or on behalf of a candidate and” in the first, second and third lines. R.S.O. 1970, c. 142, s. 158 (1), amended

(2) Section 161 of the said Act, as renumbered by the Statutes of Ontario, 1971, chapter 100, section 10, is repealed. s. 161, repealed

56.—(1) This Act, except sections 1 to 13, sections 17 to 22, subsection 1 of section 23, section 24, sections 27 to 32, sections 34 to 37, sections 48, 49, 52 to 55, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1 to 13, sections 17 to 22, subsection 1 of section 23, section 24, sections 27 to 32, sections 34 to 37, Idem

sections 48, 49, 52 to 55 shall be deemed to have come into force at 3.00 o'clock in the afternoon on the 13th day of February, 1975.

Short title

57. This Act may be cited as *The Election Finances Reform Act, 1975*.

CHAPTER 13

The Representation Act, 1975

Assented to May 2nd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The boundaries of every territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward in any municipality shall for the purposes of this Act be deemed to be the boundaries of such territorial district, county, city, town, village, township, improvement district, borough, district municipality, regional municipality and ward as defined by statute, by-law, proclamation or other lawful authority on the 10th day of March, 1975.

Boundaries

2. The Legislative Assembly of Ontario shall consist of one hundred and twenty-five members.

Number of members

3.—(1) Ontario shall, for the purpose of representation in the Assembly, be divided into the electoral districts as set out in the Schedule.

Division of Ontario into electoral districts

(2) One member shall be returned to the Assembly for each electoral district.

One member per electoral district

4. The boundaries of the electoral districts as set out in the Schedule shall not be affected by alterations in municipal or ward boundaries made after the 10th day of March, 1975.

Changes in municipal or ward boundaries

5. Where a county, city, town, village, township, improvement district, borough, district municipality or regional municipality becomes incorporated and is not expressly included in an electoral district set out in the Schedule but is situated in part in two or more of such electoral districts, the electors entitled to vote in such municipality are entitled to vote in the electoral district in which they would have been entitled to vote if the county, city, town,

Municipalities on boundary lines

village, township, improvement district, borough, district municipality or regional municipality had not become incorporated.

Augmen-
tation or
gores of
townships

6. Except as otherwise expressly set out in the Schedule, every augmentation or gore of a township shall for the purposes of this Act be considered as forming part of the electoral district in which the township is situated.

Munici-
palities
included in
electoral
district in
which
situate

7. Every county, city, town, village, township, improve-
ment district, borough, district municipality and regional
municipality heretofore or hereafter incorporated, situate
wholly within an electoral district as set out in the Schedule
and not expressly included in any other electoral district in
the Schedule, shall form part of the electoral district in
which it is situate.

Special Act
overruled

8. Every county, city, town, village, township, improve-
ment district, borough, district municipality or regional
municipality that by the provisions of any special Act
passed before this Act comes into force forms or forms part
of an electoral district shall, notwithstanding such provisions,
form or form part of the electoral district or districts in
which it is included in the Schedule.

R.S.O. 1970,
c. 413,
repealed

9. *The Representation Act* is repealed.

Commence-
ment

10. This Act comes into force and has effect on the day
after the day upon which the present Legislature is dissolved
or ended by the effluxion of time.

Short title

11. This Act may be cited as *The Representation Act, 1975*.

SCHEDULE

In the following descriptions reference to “avenue”, “boulevard”, “canal”, “channel”, “court”, “crescent”, “drive”, “highway”, “railway line”, “river”, “road”, “street”, or “terrace”, signifies the centre line of the features so named unless otherwise described.

Where county, territorial district or township areas are named for inclusion in an electoral district, it is intended that the whole of any city, separated town, town, village, township, improvement district and Indian reserve situated within such areas be included unless otherwise provided.

Where “townships” named and described for inclusion in an electoral district lie within a territorial district, it is intended that such townships refer to “geographic townships” as named and described in *The Territorial Division Act* in the Revised Statutes of Ontario, 1970, unless otherwise described.

ELECTORAL DISTRICTS

THE ELECTORAL DISTRICT OF ALGOMA—consists of that portion of the Territorial District of Algoma lying within the following limits: Commencing at the intersection of the easterly boundary of the Township of Striker and the waters of the North Channel of Lake Huron; thence northerly along the easterly boundaries of the townships of Striker and Mack to the northeast angle of the Township of Mack; thence westerly along the northerly boundary of the Township of Mack to the southeast angle of Township 161; thence northerly along the easterly boundaries of townships 161, 162 and 163 to the northeast angle of Township 163; thence easterly along the southerly boundaries of townships 1A, U, Q, M, I, E and A to the easterly boundary of the Territorial District of Algoma; thence northerly, westerly and southerly along the boundary of the Territorial District of Algoma to the International Boundary between Canada and the United States of America; thence southeasterly along the said International Boundary to the westerly prolongation of the southerly boundary of the Township of Prince; thence easterly along the said prolongation and the southerly boundary of the Township of Prince to the southeast angle of the said township; thence northerly along the easterly boundary of the Township of Prince to the northeast angle thereof; thence easterly along the southerly boundaries of the townships of Pennefather and Aweres to the westerly boundary of the Township of Duncan; thence southerly along the westerly boundary of the Township of Duncan, the easterly limit of the City of Sault Ste. Marie and the southerly prolongation of the said limit to the International Boundary between Canada and the United States of America; thence easterly and southeasterly along the said International Boundary to its intersection with the boundary between the Territorial Districts of Algoma and Manitoulin; thence easterly along the last-mentioned boundary to a point due south of the point of commencement; thence due north to the point of commencement; the towns of Blind River, Bruce Mines and Thessalon, and the villages of Hilton Beach and Iron Bridge, and the Improvement District of White River, but excluding the townships of Ebbs and Templeton.

THE ELECTORAL DISTRICT OF ALGOMA-MANITOULIN—consists of the Territorial District of Manitoulin and those portions of the Territorial Districts of Algoma and Sudbury lying within the following limits: Commencing at the intersection of the southerly boundary of the Territorial District of Sudbury and the easterly boundary of the Township of Curtin; thence northerly along the easterly boundaries of the townships of Curtin and Foster to the northeast angle of the Township of Foster; thence westerly along the northerly boundaries of the townships of Foster, Merritt, Hallam and May to the northwest angle of the Township of May; thence northerly along the easterly boundaries of the Township of Tennyson and townships 123, 124 and 125 to the northeast angle of Township 125; thence westerly along the northerly boundaries of townships 125, 132, 139, 145, 151 and 157 to the northwest angle of Township 157; thence southerly along the westerly boundary of the Township 157 to the northwest angle of the Township of Elliot Lake; thence southerly along the westerly boundary of the Township of Elliot Lake to the northeast angle of the Township of Striker; thence southerly along the easterly boundary of the Township of Striker to its intersection with the waters of the North Channel of Lake Huron; thence due south to a point in the southerly boundary of the Territorial District of Algoma; thence easterly along the southerly boundaries of the Territorial Districts of Algoma and Sudbury to the point of commencement; the towns of Espanola, Gore Bay, Little Current, Massey and Webbwood, and the Improvement District of the North Shore.

THE ELECTORAL DISTRICT OF BRAMPTON—consists of the City of Brampton.

THE ELECTORAL DISTRICT OF BRANTFORD—consists of the City of Brantford.

THE ELECTORAL DISTRICT OF BRANT-OXFORD-NORFOLK—consists of the townships of Blandford-Blenheim, Brantford, Burford, Oakland, Onondaga, South Dumfries and Tuscarora, that portion of the Township of Delhi contained in Wards 1 and 2, that portion of the Township of Norfolk contained in the former Township of Middleton and annexed to the Township of Norfolk on April 1, 1974, that portion of the City of Nanticoke contained in Ward 3, and the Town of Paris.

THE ELECTORAL DISTRICT OF BROCK—consists of that portion of the City of St. Catharines lying west and south of a line described as follows: Commencing at the intersection of the shore of Lake Ontario and Twelve Mile Creek; thence southerly and easterly along Twelve Mile Creek to its intersection with the Old Welland Canal; thence northerly and easterly along the Old Welland Canal to Eastchester Avenue; thence easterly along Eastchester Avenue to the Queen Elizabeth Way; thence easterly along the Queen Elizabeth Way to the easterly limit of the City of St. Catharines; and the Town of Niagara-on-the-Lake.

THE ELECTORAL DISTRICT OF BURLINGTON SOUTH—consists of that portion of the City of Burlington lying west and south of a line described as follows: Commencing at the intersection of the limit between the City of Burlington and the Town of Oakville with the shore of Lake Ontario; thence northerly along the said limit to Queen Elizabeth Way; thence westerly along Queen Elizabeth Way to Guelph Line; thence northerly along Guelph Line to Upper Middle Road; thence westerly along Upper Middle Road to Brant Street; thence southerly along Brant Street to Highway No. 403; thence westerly along Highway No. 403 to Kerns Road; thence northerly and westerly along Kerns Road to the northwesterly limit of the City of Burlington.

THE ELECTORAL DISTRICT OF CAMBRIDGE—consists of the Township of North Dumfries and the City of Cambridge.

THE ELECTORAL DISTRICT OF CARLETON—consists of the townships of March and Nepean.

THE ELECTORAL DISTRICT OF CARLETON EAST—consists of the Township of Gloucester, the Village of Rockcliffe Park and those portions of the City of Ottawa lying northerly, easterly and southerly of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between the Provinces of Ontario and Quebec and the westerly prolongation of Rideau Gate; thence easterly along the said prolongation of Rideau Gate to the N.C.C. Drive; thence northeasterly along the N.C.C. Drive to Princess Avenue; thence easterly along Princess Avenue to the westerly limit of the Village of Rockcliffe Park; thence northerly, easterly and southerly along the limits of the Village of Rockcliffe Park to the northerly limit of the City of Vanier; thence easterly and southerly along the limits of the City of Vanier to Montreal Road; thence easterly along Montreal Road to Eastern Parkway; thence southerly along Eastern Parkway to the southerly limit of the City of Ottawa; thence westerly and southerly along the limits of the City of Ottawa to the Queensway; thence westerly along the Queensway to St. Laurent Boulevard; thence southerly along St. Laurent Boulevard to Walkley Road; thence westerly along Walkley Road to the Rideau River; thence westerly and southwesterly along the Rideau River to the westerly limit of the City of Ottawa.

THE ELECTORAL DISTRICT OF CARLETON-GRENVILLE—consists of the County of Grenville, the townships of Goulbourn, Osgoode and Rideau, the Separated Town of Prescott, the Town of Kemptville, and the villages of Cardinal and Merrickville.

THE ELECTORAL DISTRICT OF CHATHAM-KENT—consists of the townships of Chatham and Dover, the City of Chatham, and the Town of Wallaceburg.

THE ELECTORAL DISTRICT OF COCHRANE NORTH—consists of the townships of Ebbs and Templeton and that portion of the Territorial District of Cochrane lying north and west of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between the Provinces of Ontario and Quebec and the southerly shore of Lake Abitibi; thence northwesterly along the water's edge of Lake Abitibi to the southerly boundary of the Township of Galna; thence westerly along the southerly boundaries of the townships of Galna, Moody, Wesley, Edwards, Aurora and Newmarket to the southwest angle of the township of Newmarket; thence southerly along the easterly boundary of the Township of Little to the southeast angle of the Township of Little; thence westerly along the southerly boundaries of the townships of Little, Tully, Prosser, Carnegie, Reid and Thorburn to the southwest angle of the Township of Thorburn; thence southerly along the easterly boundaries of the townships of Byers, Cote, Massey, Whitesides and Keefer to the southerly boundary of the Territorial District of Cochrane; and that portion of the Territorial District of Kenora (Patricia Portion) lying east of a line described as follows: Commencing at the northwest angle of the Territorial District of Cochrane; thence northerly along the northerly prolongation of the westerly boundary of the Territorial District of Cochrane to the northerly limit of the Province of Ontario; and the towns of Cochrane, Hearst, Kapuskasing and Smooth Rock Falls.

THE ELECTORAL DISTRICT OF COCHRANE SOUTH—consists of that portion of the Territorial District of Cochrane lying south of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between the provinces of Ontario and Quebec and the southerly shore of Lake Abitibi; thence northwesterly along the water's edge of Lake Abitibi to the northerly boundary of the Township of Kerrs; thence westerly along the northerly boundaries of the townships of Kerrs and Knox to the northeast angle of the Town of Iroquois Falls; thence westerly along the northerly limit of the Town of Iroquois Falls to the northeast angle of the Township of Teffy;

thence westerly along the northerly limit of the Township of Teefy to the northerly limit of the Town of Iroquois Falls; thence westerly and southerly along the limits of the Town of Iroquois Falls to the northerly limit of the City of Timmins; thence westerly along the northerly limit of the City of Timmins to the northwest angle of the City of Timmins; the City of Timmins, and the Town of Iroquois Falls.

THE ELECTORAL DISTRICT OF CORNWALL—consists of the Township of Cornwall and the City of Cornwall.

THE ELECTORAL DISTRICT OF DUFFERIN-SIMCOE—consists of the townships of Adjala, Essa, Mono, Mulmer, Nottawasaga, Sunnidale, Tecumseth, and Tosoronto, the towns of Alliston, Collingwood, Orangeville, Stayner and Wasaga Beach, and the villages of Beeton, Creemore and Tottenham.

THE ELECTORAL DISTRICT OF DURHAM EAST—consists of that portion of the City of Oshawa lying north of a line described as follows: Commencing at the intersection of Rossland Road West and the westerly limit of the City of Oshawa; thence easterly along Rossland Road West to Simcoe Street North; thence southerly along Simcoe Street North to King Street East; thence easterly along King Street East to the easterly limit of the City of Oshawa; and the Town of Newcastle.

THE ELECTORAL DISTRICT OF DURHAM NORTH—consists of the townships of Brock, East Gwillimbury, Georgina, Scugog and Uxbridge, and that part of the Town of Pickering lying north of the road allowance between concessions 4 and 5 in the geographic township of Pickering.

THE ELECTORAL DISTRICT OF DURHAM WEST—consists of the towns of Ajax and Whitby and that part of the Town of Pickering lying south of the road allowance between concessions 4 and 5 in the geographic township of Pickering.

THE ELECTORAL DISTRICT OF ELGIN—consists of the townships of Bayham, Malahide, South Dorchester, Southwold and Yarmouth; the City of St. Thomas; the Town of Aylmer, and the villages of Belmont, Port Burwell, Port Stanley, Springfield and Vienna.

THE ELECTORAL DISTRICT OF ERIE—consists of the Township of Wainfleet, the City of Port Colborne and the Town of Fort Erie.

THE ELECTORAL DISTRICT OF ESSEX NORTH—consists of the townships of Gosfield North, Maidstone, Rochester, Sandwich South, Sandwich West, Tilbury North and Tilbury West, the towns of Belle River, Essex and Tecumseh, and the Village of St. Clair Beach.

THE ELECTORAL DISTRICT OF ESSEX SOUTH—consists of the townships of Anderdon, Colchester North, Colchester South, Gosfield South, Malden, Mersea, and Pelee including any islands forming part thereof, and the towns of Amherstburg, Harrow, Kingsville and Leamington, and the Village of Wheatley.

THE ELECTORAL DISTRICT OF FORT WILLIAM—consists of that portion of the Territorial District of Thunder Bay lying south and east of a line described as follows: Commencing at the intersection of the centre line of Thunder Bay of Lake Superior and the easterly prolongation of the north limit of Fort William ward in the City of Thunder Bay; thence westerly along the said prolongation, the north limits of Fort William and Neebing wards in the City of Thunder Bay and the northerly boundaries of the Township of Paipoonge to the easterly boundary of the Township of O'Connor; thence northerly along the said easterly boundary to the northerly boundary of the Township of O'Connor; thence westerly along the northerly boundaries of the townships of O'Connor and Marks to the northwest angle of the Township of Marks;

thence southerly along the westerly boundaries of the townships of Marks, Lybster, Fraleigh and Devon to the intersection of the westerly boundary of the Township of Devon and the International Boundary between Canada and the United States of America, and Fort William and Neebing wards in the City of Thunder Bay.

THE ELECTORAL DISTRICT OF FRONTENAC-ADDINGTON—consists of the townships of Abinger, Anglesea, Ashby, Barrie, Bedford, Camden (East), Clarendon, Denbigh, Effingham, Hinchinbrooke, Kaladar, Kennebec, Kingston, Loughborough, Miller, North Canonto, Olden, Oso, Palmerston, Pittsburgh, Portland, Sheffield, South Canonto and Storrington, and the Village of Newburgh.

THE ELECTORAL DISTRICT OF GREY—consists of the townships of Artemesia, Bentinck, Collingwood, Egremont, Euphrasia, Glenelg, Holland, Melancthon, Minto, Normanby, Osprey, Proton, St. Vincent, Sullivan and Sydenham, the towns of Durham, Hanover, Harriston, Meaford, Palmerston and Thornbury, and the villages of Chatsworth, Clifford, Dundalk, Flesherton, Markdale and Neustadt.

THE ELECTORAL DISTRICT OF GREY-BRUCE—consists of the townships of Albemarle, Amabel, Arran, Brant, Derby, Eastnor, Elderslie, Keppel, Lindsay, St. Edmunds, Sarawak, and the adjacent islands in Lake Huron and Georgian Bay of Lake Huron, the City of Owen Sound, the towns of Chesley, Walkerton and Wiarton, and the village of Hepworth, Lion's Head, Paisley, Shallow Lake and Tara.

THE ELECTORAL DISTRICT OF HALDIMAND-NORFOLK—consists of that portion of the Township of Delhi contained in Ward 3, the Township of Norfolk, but excluding that portion contained in the former Township of Middleton and annexed to the Township of Norfolk on April 1, 1974, that portion of the City of Nanticoke contained in Wards 1 and 2, and the towns of Dunnville, Haldimand and Simcoe.

THE ELECTORAL DISTRICT OF HALTON-BURLINGTON—consists of the towns of Halton Hills and Milton and that portion of the City of Burlington lying north and east of a line described as follows: Commencing at the intersection to the easterly limit of the City of Burlington and Queen Elizabeth Way; thence westerly along Queen Elizabeth Way to Guelph Line; thence northerly along Guelph Line to Upper Middle Road; thence westerly along Upper Middle Road to Brant Street; thence southerly along Brant Street to Highway No. 403; thence westerly along Highway No. 403 to Kerns Road; thence northerly, westerly and northerly along Kerns Road to the northwesterly limit of the City of Burlington.

THE ELECTORAL DISTRICT OF HAMILTON CENTRE—consists of that portion of the City of Hamilton lying north of a line described as follows: Commencing at the intersection of the Hamilton Harbour Headline and the northerly prolongation of Wellington Street; thence southerly along the said prolongation to and along Wellington Street to Main Street; thence westerly along Main Street to James Street; thence southerly along James Street to James Street Mountain Road; thence southwesterly along James Street Mountain Road to the brow of Hamilton Mountain; thence easterly along the brow of Hamilton Mountain to the southerly prolongation of Ottawa Street; thence northerly along the said prolongation and Ottawa Street to the first Canadian National Railway line north of Dalhousie Avenue; thence easterly along said railway line to Parkdale Avenue; thence northerly along Parkdale Avenue and the northerly prolongation of Parkdale Avenue to a point lying due west of the intersection of Woodward Avenue and Queen Elizabeth Way; thence due east through the said intersection and continuing due east to the northeasterly limit of the City of Hamilton.

THE ELECTORAL DISTRICT OF HAMILTON EAST—consists of that portion of the City of Hamilton lying within the following limits: Commencing at a point in the northeasterly limit of the City of Hamilton said point lying due east of the intersection of Woodward Avenue and Queen Elizabeth Way; thence due west through the said intersection and continuing due west to the northerly prolongation of Parkdale Avenue; thence southerly along the said prolongation and Parkdale Avenue to the first Canadian National Railway line north of Mahony Street; thence westerly along the said railway line to Ottawa Street; thence southerly along Ottawa Street and the southerly prolongation of Ottawa Street to the brow of Hamilton Mountain; thence easterly, southerly and northeasterly along the brow of Hamilton Mountain to the southeasterly limit of the City of Hamilton; thence easterly, northerly and westerly along the City limit to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON MOUNTAIN—consists of that portion of the City of Hamilton lying within the following limits: Commencing at the intersection of the westerly limit of the City of Hamilton and Mohawk Road; thence easterly along Mohawk Road and the easterly prolongation of Mohawk Road to the brow of Hamilton Mountain; thence northwesterly and westerly along the brow of Hamilton Mountain to the westerly limit of the City of Hamilton; thence southeasterly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF HAMILTON WEST—consists of that portion of the City of Hamilton lying within the following limits: Commencing at the intersection of James Street and Main Street; thence easterly along Main Street to Wellington Street; thence northerly along Wellington Street and the northerly prolongation of Wellington Street to the northerly limit of the City of Hamilton; thence westerly, southwesterly, southerly and easterly along the limits of the City of Hamilton to the brow of Hamilton Mountain; thence easterly along the brow of Hamilton Mountain to James Street Mountain Road; thence northeasterly along James Street Mountain Road and northerly along James Street to the point of commencement.

THE ELECTORAL DISTRICT OF HASTINGS-PETERBOROUGH—consists of the townships of Anstruther, Asphodel, Belmont, Burleigh, Cavendish, Chandos, Dummer, Galway, Harvey and Methuen, that portion of the County of Hastings lying east and north of a line described as follows: Commencing at the intersection of the centre line of the Bay of Quinte, Lake Ontario and the southerly prolongation of the easterly limits of the City of Belleville; thence northerly along the said prolongation to the water's edge of the Bay of Quinte; thence northerly and westerly along the limits of the City of Belleville to the westerly boundary of the Township of Thurlow; thence northerly along the westerly boundary of the Township of Thurlow to the northwest angle thereof; thence westerly along the southerly boundary of the Township of Rawdon to the westerly boundary of the County of Hastings; the Town of Deseronto and the villages of Bancroft, Deloro, Havelock, Madoc, Marmora, Norwood, Stirling and Tweed.

THE ELECTORAL DISTRICT OF HURON-BRUCE—consists of the townships of Ashfield, Bruce, Carrick, Colborne, Culross, East Wawanosh, Greenock, Grey, Howick, Hullett, Huron, Kincardine, Kinloss, McKillop, Morris, Saugeen, Turnberry and West Wawanosh, the towns of Kincardine, Port Elgin, Southampton, and Wingham, and the villages of Blyth, Brussels, Lucknow, Mildmay, Ripley, Teeswater and Tiverton.

THE ELECTORAL DISTRICT OF HURON-MIDDLESEX—consists of the townships of Adelaide, Biddulph, East Williams, Goderich, Hay, McGillivray, Stanley, Stephen, Tuckersmith, Usborne and West Williams, the towns of Clinton, Exeter, Goderich, Parkhill and Seaforth, and the villages of Ailsa Craig, Bayfield, Hensall, Lucan and Zurich.

THE ELECTORAL DISTRICT OF KENORA—consists of that portion of the Territorial District of Kenora and the Patricia Portion lying north and west of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with the 4th Base Line; thence easterly along the 4th Base Line to the 6th Meridian Line; thence north along the 6th Meridian Line to the southwest angle of the Township of Wainwright; thence easterly along the southerly boundary of the said Township to the northwest angle of the Town of Dryden; thence southerly and easterly along the limits of the town of Dryden to the westerly limit of the Improvement District of Barclay; thence northerly, easterly and southerly along the limits of the Improvement District of Barclay to the southerly boundary of the Township of Brownridge; thence easterly along the southerly boundaries of the townships of Brownridge, Laval and McAree to the southeast angle of the Township of McAree; thence easterly along a line surveyed by Ontario Land Surveyors Phillips and Benner in 1932 to the easterly boundary of the Territorial District of Kenora; thence northerly along the easterly boundary of the Territorial District of Kenora to the centre line of Lake St. Joseph; thence northerly along the 3rd Meridian Line and its prolongation northerly to the Interprovincial Boundary between the Provinces of Ontario and Manitoba; the towns of Dryden, Keewatin, Kenora and Sioux Lookout, and the improvement districts of Balmertown and Sioux Narrows.

THE ELECTORAL DISTRICT OF KENT-ELGIN—consists of the townships of Aldborough, Camden, Dunwich, Harwich, Howard, Orford, Raleigh, Romney, Tilbury East and Zone, the towns of Blenheim, Bothwell, Dresden, Ridgeway and Tilbury and the villages of Dutton, Erieau, Erie Beach, Highgate, Rodney, Thamesville and West Lorne, but excluding the Village of Wheatley.

THE ELECTORAL DISTRICT OF KINGSTON AND THE ISLANDS—consists of the townships of Amherst Island, Howe Island and Wolfe Island, the City of Kingston, and the islands in the St. Lawrence River within the County of Frontenac.

THE ELECTORAL DISTRICT OF KITCHENER—consists of that portion of the City of Kitchener lying north and west of the Conestogo Parkway.

THE ELECTORAL DISTRICT OF KITCHENER-WILMOT—consists of the Township of Wilmot and the City of Kitchener, but excluding that portion of the City of Kitchener lying north and west of the Conestogo Parkway.

THE ELECTORAL DISTRICT OF LAKE NIPIGON—consists of that portion of the Territorial District of Thunder Bay lying west, north and east of a line described as follows: Commencing at a point on the International Boundary between Canada and the United States of America due south of the centre line of Black Bay of Lake Superior; thence north astronomically to the centre line of the said Bay; thence northeasterly along the centre line of Black Bay to the intersection of the said centre line and the easterly prolongation of the northerly boundary of the Township of McTavish; thence westerly along the said prolongation and the northerly boundary of the Township of McTavish to the northwest angle of the said township; thence southerly along the westerly boundary of the Township of McTavish to the northeast angle of the Township of MacGregor; thence westerly along the northerly boundary of the said township to the northwest angle thereof; thence northerly and westerly along the easterly and northerly boundaries of the Township of Gorham to the southeast angle of the Township of Jacques; thence northerly along the easterly boundary of the Township of Jacques to the northeast angle of the said township; thence westerly along the northerly boundaries of the townships of Jacques and Fowler to the northwest angle of the Township of Fowler; thence southerly along the westerly boundary of the Township of Fowler to the northerly boundary of the Township of Forbes; thence westerly along the northerly boundaries of the townships of Forbes and Goldie to the northwest angle.

of the Township of Goldie; thence southerly along the westerly boundary of the townships of Goldie, Horne, Adrian, Marks Lybster, Fraleigh and Devon to the International Boundary between Canada and the United States of America; and that portion of the Territorial District of Kenora (Patricia Portion) lying between the northerly prolongations of the easterly and westerly boundaries of the Territorial District of Thunder Bay to the northern limits of the Province of Ontario, the Town of Geraldton, and the improvement districts of Beardmore, Manitouwadge, Nakina and Red Rock, and the community of English River.

THE ELECTORAL DISTRICT OF LAMBTON—consists of that portion of the County of Lambton lying east and south of a line described as follows: Commencing at the intersection of the westerly boundary of the County of Lambton and the northerly boundary of the Township of Moore; thence easterly along the northerly boundary of the Township of Moore to the northeast angle thereof; thence northerly along the westerly boundaries of the townships of Enniskillen and Plympton to the water's edge of Lake Huron; the towns of Forest and Petrolia, and the villages of Alvinston, Arkona, Courtright, Grand Bend, Oil Springs, Thedford, Watford and Wyoming.

THE ELECTORAL DISTRICT OF LANARK—consists of the County of Lanark including the Separated Town of Smiths Falls, the towns of Almonte, Carleton Place and Perth, and the Village of Lanark.

THE ELECTORAL DISTRICT OF LEEDS—consists of the County of Leeds, the City of Brockville, the Separated Town of Gananoque and the villages of Athens, Newboro' and Westport.

THE ELECTORAL DISTRICT OF LINCOLN—consists of the Township of West Lincoln and the towns of Grimsby, Lincoln and Pelham.

THE ELECTORAL DISTRICT OF LONDON CENTRE—consists of that portion of the City of London lying within the following limits: Commencing at the intersection of the Thames River and Highbury Avenue; thence northerly along Highbury Avenue to Huron Street; thence westerly along Huron Street to Adelaide Street; thence northerly along Adelaide Street to the North Thames River; thence westerly and southerly along the North Thames River to Wharncliffe Road North; thence southerly along Wharncliffe Road North to Essex Street; thence westerly along Essex Street to Platts Lane; thence southerly along Platts Lane to Oxford Street; thence easterly along Oxford Street to Woodward Avenue; thence southerly along Woodward Avenue to Mount Pleasant Avenue; thence westerly along Mount Pleasant Avenue to the Canadian National Railway line; thence southeasterly along the said railway line to the Thames River; thence southeasterly along the Thames River to the point of commencement.

THE ELECTORAL DISTRICT OF LONDON NORTH—consists of that portion of the City of London lying within the following limits: Commencing at the intersection of Highbury Avenue and the most southerly crossing of The Canadian National Railway line; thence northerly along Highbury Avenue to Huron Street; thence westerly along Huron Street to Adelaide Street; thence northerly along Adelaide Street to the North Thames River; thence westerly and southerly along the North Thames River to Wharncliffe Road North; thence southerly along Wharncliffe Road North to Essex Street; thence westerly along Essex Street to Platts Lane; thence southerly along Platts Lane to Oxford Street; thence easterly along Oxford Street to Woodward Avenue; thence southerly along Woodward Avenue to Mount Pleasant Avenue; thence westerly along Mount Pleasant Avenue to the Canadian National Railway line; thence southeasterly along said railway line to the Thames River; thence westerly along the Thames River to the westerly limit of the City of London; thence northerly, easterly and southerly along the limits of the City of London to the intersection of the easterly limit of the City of London and the Canadian National Railway line; thence westerly along said railway line to the point of commencement.

THE ELECTORAL DISTRICT OF LONDON SOUTH—consists of that portion of the City of London lying within the following limits: Commencing at the intersection of the Thames River and the westerly limit of the City of London; thence southerly, easterly and northerly along the limits of the City of London to the Canadian National Railway line; thence westerly along said railway line to Highbury Avenue; thence southerly along Highbury Avenue to the Thames River; thence westerly along the Thames River to the point of commencement.

THE ELECTORAL DISTRICT OF MIDDLESEX—consists of the townships of Caradoc, Delaware, Ekfrid, Lobo, London, Metcalfe, Mosa, North Dorchester, Westminster and West Nissouri, the Town of Strathroy and the villages of Glencoe, Newbury and Wardsville.

THE ELECTORAL DISTRICT OF MISSISSAUGA EAST—consists of that portion of the City of Mississauga lying within the following limits: Commencing at the intersection of the easterly limit of the City of Mississauga and Queen Elizabeth Way; thence westerly along Queen Elizabeth Way to Hurontario Street; thence northerly along Hurontario Street to Eglinton Avenue East; thence easterly along Eglinton Avenue East to the easterly limit of the City of Mississauga; thence southerly along the easterly limit of the City of Mississauga to the point of commencement.

THE ELECTORAL DISTRICT OF MISSISSAUGA NORTH—consists of that portion of the City of Mississauga lying north and west of a line described as follows: Commencing at the intersection of the westerly limit of the City of Mississauga and Queen Elizabeth Way; thence easterly along Queen Elizabeth Way to Hurontario Street; thence northerly along Hurontario Street to Eglinton Avenue East; thence easterly along Eglinton Avenue East to the easterly limit of the City of Mississauga.

THE ELECTORAL DISTRICT OF MISSISSAUGA SOUTH—consists of that portion of the City of Mississauga lying south of Queen Elizabeth Way.

THE ELECTORAL DISTRICT OF MUSKOKA—consists of the District Municipality of Muskoka.

THE ELECTORAL DISTRICT OF NIAGARA FALLS—consists of the City of Niagara Falls.

THE ELECTORAL DISTRICT OF NICKEL BELT—consists of that portion of the Territorial District of Sudbury lying north and west of a line described as follows: Commencing at the intersection of the easterly boundary of the Territorial District of Sudbury and the southerly boundary of the Township of Janes; thence westerly along the southerly boundaries of the townships of Janes, Davis and Scadding to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly and easterly along the limits of the Town of Valley East to the northwest angle of the City of Sudbury; thence southerly along the limits of the City of Sudbury to the intersection of the southerly limit of the City of Sudbury and the easterly limit of the Township of Eden; thence southerly along the easterly boundaries of the townships of Eden, Bevin and Sale to the southerly boundary of the Territorial District of Sudbury; thence westerly along the said boundary to the southwest angle of the Township of Roosevelt; thence northerly along the westerly boundaries of the townships of Roosevelt and Truman to the northwest angle of the Township of Truman; thence westerly along the southerly boundaries of the townships of Nairn, Baldwin, Shakespeare and Gough to the westerly boundary of the Territorial District of Sudbury; and the towns of Onaping Falls, Rayside-Balfour and Walden.

THE ELECTORAL DISTRICT OF NIPISSING—consists of that portion of the Territorial District of Nipissing lying north of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between the Provinces of Ontario and Quebec and the northerly boundary of the Township of Mattawan;

thence westerly and southerly along the northerly and westerly boundaries of the said township to the southwest angle thereof; thence westerly along the southerly boundaries of the townships of Orlig and Phelps to the southwest angle of the Township of Phelps; thence westerly, southerly and westerly along the southeasterly boundary of the City of North Bay to the southerly boundary of the Territorial District of Nipissing, the City of North Bay, and the towns of Cache Bay and Sturgeon Falls, but excluding that portion of the Territorial District of Nipissing lying north of a line described as follows: Commencing at the northwest angle of the Township of Pardo; thence easterly along the northerly boundaries of the townships of Pardo, Hobbs, McCallum, Sisk, Kenny, Gooderham, LaSalle, McAuslan and Wyse to the boundary between the Provinces of Ontario and Quebec.

THE ELECTORAL DISTRICT OF NORTHUMBERLAND—consists of the County of Northumberland excluding that portion lying within the Town of Trenton, but including the towns of Campbellford, Cobourg and Port Hope and the villages of Brighton, Colborne and Hastings.

THE ELECTORAL DISTRICT OF OAKVILLE—consists of the Town of Oakville.

THE ELECTORAL DISTRICT OF OSHAWA—consists of that portion of the City of Oshawa lying south of a line described as follows: Commencing at the intersection of Rossland Road West and the westerly limit of the City of Oshawa; thence easterly along Rossland Road West to Simcoe Street North; thence southerly along Simcoe Street North to King Street East; thence easterly along King Street East to the easterly limit of the City of Oshawa.

THE ELECTORAL DISTRICT OF OTTAWA CENTRE—consists of that portion of the City of Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between the Provinces of Ontario and Quebec with the northerly prolongation of the Rideau Canal; thence southeasterly along said prolongation to and along the Rideau Canal to the Queensway; thence westerly along the Queensway to Bronson Avenue; thence southerly along Bronson Avenue to Carling Avenue; thence westerly along Carling Avenue to the Canadian Pacific Railway line; thence southerly along said railway line to the Rideau Canal; thence southerly and westerly along the Rideau Canal and the Rideau River to the southerly limit of the City of Ottawa; thence westerly and northerly along said city limit to Merivale Road; thence northerly along Merivale Road to Island Park Drive; thence northerly along Island Park Drive to the Interprovincial Boundary between the Provinces of Ontario and Quebec; thence easterly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA EAST—consists of the City of Vanier and that portion of the City of Ottawa lying within the following limits: Commencing at the intersection of the Interprovincial Boundary between the Provinces of Ontario and Quebec with the westerly prolongation of Rideau Gate; thence easterly along the said prolongation of Rideau Gate to the N.C.C. Drive; thence northeasterly along the N.C.C. Drive to Princess Avenue; thence easterly along Princess Avenue to the westerly limit of the Village of Rockcliffe Park; thence easterly and southerly along the limits of the Village of Rockcliffe Park to the northerly limit of the City of Vanier; thence westerly, southerly, easterly and northerly along the limits of the City of Vanier to Montreal Road; thence easterly along Montreal Road to Eastern Parkway; thence southerly along Eastern Parkway to the southerly limit of the City of Ottawa; thence westerly and southerly along the limits of the City of Ottawa to the Queensway; thence westerly along the Queensway to the Rideau Canal; thence northerly along the Rideau Canal and the northerly prolongation of the Rideau Canal to the Interprovincial Boundary between the Provinces of Ontario and Quebec; thence northeasterly along the said Interprovincial Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA SOUTH—consists of that portion of the City of Ottawa lying within the following limits: Commencing at the intersection of St. Laurent Boulevard and the Queensway; thence southerly along St. Laurent Boulevard to Walkley Road; thence westerly along Walkley Road to the Rideau River; thence northerly along the Rideau River to the Rideau Canal; thence northerly along the Rideau Canal to the Canadian Pacific Railway line; thence northerly along said railway line to Carling Avenue; thence easterly along Carling Avenue to Bronson Avenue; thence northerly along Bronson Avenue to the Queensway; thence easterly along the Queensway to the point of commencement.

THE ELECTORAL DISTRICT OF OTTAWA WEST—consists of that portion of the City of Ottawa lying west of a line described as follows: Commencing at the intersection of the southerly limit of the City of Ottawa and Merivale Road; thence northerly along Merivale Road to Island Park Drive; thence northerly along Island Park Drive to the Interprovincial Boundary between the Provinces of Ontario and Quebec.

THE ELECTORAL DISTRICT OF OXFORD—consists of the County of Oxford except for the Township of Blandford-Blenheim.

THE ELECTORAL DISTRICT OF PARRY SOUND—consists of the Territorial District of Parry Sound and that portion of the Territorial District of Nipissing lying west and south of a line described as follows: Commencing at the northwest angle of the Township of Airy; thence easterly along the southerly boundary of the Township of Sproule to the southeast angle of the Township of Sproule; thence northerly along the easterly boundaries of the townships of Sproule, Bower and Freswick to the northeast angle of the Township of Freswick; thence easterly along the southerly boundary of the Township of Lister to the southeast angle of the Township of Lister; thence northerly along the easterly boundaries of the townships of Lister, Boyd and Papineau to the Interprovincial Boundary between the Provinces of Ontario and Quebec; thence northwesterly along the said Interprovincial Boundary to the northeast angle of the Township of Mattawan; thence westerly and southerly along the northerly and westerly boundaries of the said Township to the southwest angle of the Township of Mattawan; thence westerly along the northerly boundaries of the townships of Calvin, Bonfield and East Ferris to the northwesterly angle of the Township of East Ferris; thence southerly and westerly along the westerly boundary of the said Township to its intersection with the westerly boundary of the Territorial District of Nipissing; the towns of Bonfield, Kearney, Mattawa, Parry Sound, Powassan and Trout Creek, and the villages of Burk's Falls, Magnetawan, Rosseau, South River and Sundridge.

THE ELECTORAL DISTRICT OF PERTH—consists of the County of Perth.

THE ELECTORAL DISTRICT OF PETERBOROUGH—consists of the townships of Cavan, Douro, Ennismore, North Monaghan, Otonabee, Smith and South Monaghan, the City of Peterborough, and the villages of Lakefield and Millbrook.

THE ELECTORAL DISTRICT OF PORT ARTHUR—consists of that portion of the Territorial District of Thunder Bay lying within the following limits: Commencing at the southwest angle of the Township of Adrian; thence easterly along the southerly boundaries of the townships of Adrian and Conmee to the southeast angle of the Township of Conmee; thence southerly along the westerly boundary of the Township of Oliver to the southwest angle of the said township; thence easterly along the southerly boundary of the Township of Oliver to, and along the southerly limit of Port Arthur ward in the City of Thunder Bay and the prolongation of the southerly limit of the said Port Arthur ward to its intersection with the centre line of Thunder Bay of Lake Superior; thence south astronomically to the International Boundary between Canada and the United States of America; thence northeasterly along the said International Boundary to a point due south of the centre line of Black Bay of Lake Superior;

thence north astronomically to the centre line of the said Bay; thence northeasterly along the centre line of Black Bay to the easterly prolongation of the northerly boundary of the Township of McTavish; thence westerly along the said prolongation and the northerly boundary of the Township of McTavish to the northwest angle of the said township; thence southerly along the westerly boundary of the Township of McTavish to the northeast angle of the Township of MacGregor; thence westerly along the northerly boundary of the said township to the northwest angle thereof; thence northerly and westerly along the easterly and northerly boundaries of the Township of Gorham to the southeast angle of the Township of Jacques; thence northerly along the easterly boundary of the Township of Jacques to the northeast angle of the said township; thence westerly along the northerly boundaries of the townships of Jacques and Fowler to the northwest angle of the Township of Fowler; thence southerly along the westerly boundary of the Township of Fowler to the northerly boundary of the Township of Forbes; thence westerly along the northerly boundaries of the townships of Forbes and Goldie to the northwest angle of the Township of Goldie; thence southerly along the westerly boundaries of the townships of Goldie, Horne and Adrian to the point of commencement; and McIntyre and Port Arthur wards in the City of Thunder Bay.

THE ELECTORAL DISTRICT OF PRESCOTT AND RUSSELL—consists of the counties of Prescott and Russell and the Township of Cumberland.

THE ELECTORAL DISTRICT OF PRINCE EDWARD-LENNOX—consists of the County of Prince Edward, the townships of Adolphustown, Ernestown, North Fredericksburgh, Richmond and South Fredericksburgh, the town of Napanee and the village of Bath.

THE ELECTORAL DISTRICT OF QUINTE—consists of the Township of Sidney, the City of Belleville, the Separated Town of Trenton, and the Village of Frankford.

THE ELECTORAL DISTRICT OF RAINY RIVER—consists of the Territorial District of Rainy River and that portion of the Territorial District of Kenora lying south of a line described as follows: Commencing at the intersection of the International Boundary between Canada and the United States of America with the 4th Base Line; thence easterly along the 4th Base Line to the 6th Meridian Line; thence northerly along the 6th Meridian Line to the northwest angle of the Township of Van Horne; thence easterly along the northerly boundary of the said Township to the northwest angle of the Town of Dryden; thence southerly and easterly along the limits of the Town of Dryden to the westerly limit of the Improvement District of Barclay; thence northerly, easterly and southerly along the limits of the Improvement District of Barclay to the northerly boundary of the Township of Zealand; thence easterly along the northerly boundaries of the townships of Zealand, Hartman and MacFie to the northeast angle of the Township of MacFie; thence easterly along a line surveyed by Ontario Land Surveyors Phillips and Benner in 1932, to the easterly boundary of the Territorial District of Kenora; the towns of Fort Frances and Rainy River and the improvement districts of Barclay and Kingsford, but excluding the community of English River.

THE ELECTORAL DISTRICT OF RENFREW NORTH—consists of that portion of the County of Renfrew lying north of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between the Provinces of Ontario and Quebec with the southerly boundary of the Township of Pembroke; thence westerly along the southerly boundary of the Township of Pembroke to the easterly boundary of the Township of Stafford; thence southerly, westerly and northerly following the boundaries of the Township of Stafford to the southeast angle of the Township of Alice; thence westerly along the southerly boundaries of the townships of Alice and Fraser to the southwest angle of the Township of Fraser; thence northerly along the westerly boundary of the Township of Fraser to the westerly boundary of the County of Renfrew; and that portion of the Territorial District of Nipissing lying

east of a line described as follows: Commencing at the southwest angle of the Township of Sabine; thence northerly along the westerly boundaries of the townships of Sabine and Airy to the northwest angle of the Township of Airy; thence easterly along the northerly boundary of the Township of Airy to the southwest angle of the Township of Preston; thence northerly along the westerly boundaries of the townships of Preston, Dickson and Anglin to the northwest angle of the Township of Anglin; thence easterly along the northerly boundary of the Township of Anglin to the southwest angle of the Township of Deacon; thence northerly along the westerly boundaries of the Township of Deacon and the Improvement District of Cameron to the Interprovincial Boundary between the Provinces of Ontario and Quebec; the City of Pembroke, the Town of Deep River, the villages of Chalk River and Petawawa, and the Improvement District of Cameron.

THE ELECTORAL DISTRICT OF RENFREW SOUTH—consists of the Township of West Carlton and that portion of the County of Renfrew lying south of a line described as follows: Commencing at the intersection of the Interprovincial Boundary between the Provinces of Ontario and Quebec with the northerly boundary of the Township of Westmeath; thence westerly and southerly along the northerly and westerly boundaries of the Township of Westmeath to the northeast angle of the Township of Bromley; thence westerly along the northerly boundary of the Township of Bromley to the easterly boundary of the Township of Wilberforce; thence northerly along said easterly boundary to the northeast angle of the Township of Wilberforce; thence westerly along the northerly boundaries of the townships of Wilberforce and North Algona to the easterly boundary of the Township of Hagarty; thence northerly along the easterly boundaries of the townships of Hagarty and Richards to the northerly boundary of the townships of Richards; the towns of Arnprior and Renfrew and the villages of Barry's Bay, Beachburg, Braeside, Cobden, Eganville and Killaloe Station.

THE ELECTORAL DISTRICT OF ST. CATHARINES—consists of that portion of the City of St. Catharines lying east and north of a line described as follows: Commencing at the intersection of the shore of Lake Ontario and Twelve Mile Creek; thence southerly and easterly along Twelve Mile Creek to its intersection with the Old Welland Canal; thence northerly and easterly along the Old Welland Canal to Eastchester Avenue; thence easterly along Eastchester Avenue to Queen Elizabeth Way; thence easterly along Queen Elizabeth Way to the easterly limit of the City of St. Catharines.

THE ELECTORAL DISTRICT OF SARNIA—consists of the Township of Sarnia, the City of Sarnia and the Village of Point Edward.

THE ELECTORAL DISTRICT OF SAULT STE. MARIE—consists of the City of Sault Ste. Marie.

THE ELECTORAL DISTRICT OF SIMCOE CENTRE—consists of the townships of Flos, Innisfil, Tiny, Vespra and West Gwillimbury, the City of Barrie, the towns of Bradford and Penetanguishene and the villages of Cookstown and Elmvale.

THE ELECTORAL DISTRICT OF SIMCOE EAST—consists of the townships of Mara, Matchedash, Medonte, Orillia, Oro, Rama and Tay, the City of Orillia, the Town of Midland, and the villages of Coldwater, Port McNicoll and Victoria Harbour.

THE ELECTORAL DISTRICT OF STORMONT, DUNDAS AND GLENGARRY—consists of the counties of Stormont, Dundas and Glengarry except the City of Cornwall and the Township of Cornwall.

THE ELECTORAL DISTRICT OF SUDBURY—consists of that portion of the City of Sudbury contained in Wards 1, 4, 5, 6, 7 and 8.

THE ELECTORAL DISTRICT OF SUDBURY EAST—consists of that portion of the Territorial District of Sudbury lying south and east of a line described as follows: Commencing at the intersection of the easterly boundary of the Territorial District of Sudbury and the northerly boundary of the Township of Henry; thence westerly along the northerly boundaries of the townships of Henry, Loughrin and Street to the easterly limit of the Town of Nickel Centre; thence northerly and westerly along the limits of the Town of Nickel Centre to the easterly limit of the Town of Capreol; thence northerly, westerly and southerly along the limits of the Town of Capreol to the northerly limit of the Town of Valley East; thence westerly, southerly and easterly along the limits of the Town of Valley East to the northwest angle of the City of Sudbury; thence easterly, southerly and westerly along the limits of the City of Sudbury to the westerly boundary of the Township of Tilton; thence southerly along the westerly boundaries of the townships of Tilton, Halifax and Atlee to the southern boundary of the Territorial District of Sudbury; that portion of the City of Sudbury contained in Wards 2, 3 and 9, and the towns of Capreol, Nickel Centre and Valley East.

THE ELECTORAL DISTRICT OF TIMISKAMING—consists of the Territorial District of Timiskaming and that portion of the Territorial District of Nipissing lying north of a line described as follows: Commencing at the southwest angle of the Township of Clement; thence easterly along the southerly boundaries of the townships of Clement, Vogt, Torrington, Olive, Milne, Flett, Angus and Parkman to the boundary between the Provinces of Ontario and Quebec, the towns of Charlton, Cobalt, Englehart, Haileybury, Kirkland Lake, Latchford and New Liskeard, the Village of Thornloe, and the Improvement Districts of Gauthier and Temagami.

THE ELECTORAL DISTRICT OF VICTORIA-HALIBURTON—consists of the County of Victoria and the Provisional County of Haliburton.

THE ELECTORAL DISTRICT OF WATERLOO NORTH—consists of the townships of Wellesley and Woolwich and the City of Waterloo.

THE ELECTORAL DISTRICT OF WELLAND—consists of the City of Welland and the Town of Thorold.

THE ELECTORAL DISTRICT OF WELLINGTON-DUFFERIN-PEEL—consists of the townships of Amaranth, Arthur, East Garafraxa, East Luther, Eramosa, Erin, Maryborough, Nichol, Peel, Pilkington, West Garafraxa and West Luther, the towns of Caledon, Fergus and Mount Forest and the villages of Arthur, Drayton, Elora, Erin, Grand Valley and Shelburne.

THE ELECTORAL DISTRICT OF WELLINGTON SOUTH—consists of the townships of Guelph and Puslinch, and the City of Guelph.

THE ELECTORAL DISTRICT OF WENTWORTH—consists of the Township of Glanbrook and that portion of the City of Hamilton lying within the following limits: Commencing at the intersection of the southerly limit of the City of Hamilton and Upper James Street; thence northerly along Upper James Street to Mohawk Road; thence easterly along Mohawk Road and the easterly prolongation of Mohawk Road to the brow of Hamilton Mountain; thence southerly and northeasterly along the brow of Hamilton Mountain to the easterly limit of the City of Hamilton; thence southerly and westerly along the said city limit to the point of commencement; and the Town of Stoney Creek.

THE ELECTORAL DISTRICT OF WENTWORTH NORTH—consists of the Township of Flamborough and that portion of the City of Hamilton lying south and west of a line described as follows: Commencing at the intersection of the westerly limit of the City of Hamilton and Mohawk Road; thence easterly along Mohawk Road to Upper James Street; thence southerly along Upper James Street to the southerly limit of the City of Hamilton; and the towns of Ancaster and Dundas.

THE ELECTORAL DISTRICT OF WINDSOR-RIVERSIDE—consists of that portion of the City of Windsor (including Peach Island) lying east of a line described as follows: Commencing at the intersection of the Chesapeake and Ohio Railway line and the southerly limit of the City of Windsor; thence northerly and westerly along the Chesapeake and Ohio Railway line and the Pere Marquette Railway line and the Canadian National Railway line to the northerly prolongation of Chilver Road; thence northerly along the northerly prolongation of Chilver Road to the International Boundary between Canada and the United States of America.

THE ELECTORAL DISTRICT OF WINDSOR-SANDWICH—consists of that portion of the City of Windsor lying west and north of a line described as follows: Commencing at the intersection of the northerly prolongation of Dougall Avenue and the International Boundary between Canada and the United States of America; thence southerly along said prolongation to and along Dougall Avenue to Cabana Road; thence westerly along Cabana Road to the westerly limit of the City of Windsor.

THE ELECTORAL DISTRICT OF WINDSOR-WALKERVILLE—consists of that portion of the City of Windsor lying within the following limits: Commencing at the intersection of the northerly prolongation of Dougall Avenue and the International Boundary between Canada and the United States of America; thence southerly along said prolongation to and along Dougall Avenue to Cabana Road; thence westerly along Cabana Road to the westerly limit of the City of Windsor; thence southerly, easterly and northerly along said city limit to the Chesapeake and Ohio Railway line; thence northerly and westerly along the Chesapeake and Ohio Railway line and the Pere Marquette Railway line and the Canadian National Railway line to the northerly prolongation of Chilver Road; thence northerly along the northerly prolongation of Chilver Road to the International Boundary between Canada and the United States of America; thence westerly and southerly along the said International Boundary to the point of commencement.

THE ELECTORAL DISTRICT OF YORK CENTRE—consists of the towns of Markham and Richmond Hill and that part of the Town of Vaughan lying east of Bathurst Street.

THE ELECTORAL DISTRICT OF YORK NORTH—consists of the Township of King, the towns of Aurora, Newmarket and Whitchurch-Stouffville, and that part of the Town of Vaughan lying west of Bathurst Street.

THE ELECTORAL DISTRICT OF ARMOURDALE—consists of that portion of the Borough of North York lying within the following limits: Commencing at the intersection of Steeles Avenue West and Bathurst Street; thence southerly along Bathurst Street to the south boundary of the Borough of North York; thence easterly and northerly following said south boundary to Yonge Street; thence northerly along Yonge Street to Cummer Avenue; thence easterly along Cummer Avenue to Bayview Avenue; thence northerly along Bayview Avenue to Steeles Avenue East; thence westerly along Steeles Avenue East and Steeles Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF BEACHES-WOODBINE—consists of that portion of the City of Toronto lying east of a line described as follows: Commencing at the intersection of the northerly limit of the City of Toronto and Greenwood Avenue; thence southerly along Greenwood Avenue to the Canadian National Railway line; thence easterly along the said railway line to Coxwell Avenue; thence southerly along Coxwell Avenue and the southerly prolongation of Coxwell Avenue to the water's edge of Ashbridges Bay of Lake Ontario; thence south-westerly along the centre line of Ashbridges Bay to the centre line of the channel known as Coatsworth Cut; thence along the centre line of the said channel to the main waters of Lake Ontario.

THE ELECTORAL DISTRICT OF BELLWOODS—consists of that portion of the City of Toronto lying within the following limits: Commencing at the intersection of the northerly limit of the City of Toronto and the northerly prolongation of Alberta Avenue; thence southerly along the said prolongation and Alberta Avenue to Davenport Road; thence easterly along Davenport Road to Ossington Avenue; thence southerly along Ossington Avenue to College Street; thence westerly along College Street to Dovercourt Road; thence southerly along Dovercourt Road to Sudbury Street; thence southerly in a straight line to the intersection of King Street West and Atlantic Avenue; thence southerly along Atlantic Avenue and the southerly prolongation of Atlantic Avenue to the Gardiner Expressway; thence easterly along the Gardiner Expressway to its intersection with the southerly prolongation of Shaw Street; thence southerly along the southerly prolongation of Shaw Street to a point in Lake Ontario intersected by the southwesterly prolongation of the centre line of the channel known as the Western Gap; thence northeasterly along the said southwesterly prolongation and the centre line of the Western Gap to the intersection of the said centre line and the southerly prolongation of Tecumseth Street; thence northerly along the said southerly prolongation, Tecumseth Street and Palmerston Avenue to the Canadian Pacific Railway line; thence easterly along the said railway line to Bathurst Street; thence northerly along Bathurst Street to the northerly limit of the City of Toronto; thence westerly along the said limit to the point of commencement.

THE ELECTORAL DISTRICT OF DON MILLS—consists of,

- (a) that portion of the Borough of North York lying south of a line described as follows: Commencing at the intersection of Lawrence Avenue East and the westerly limit of the Borough of North York; thence easterly along Lawrence Avenue East to Leslie Street; thence northerly along Leslie Street to York Mills Road; thence easterly along York Mills Road to the Don River; thence southeasterly along the Don River to the Don Valley Parkway; thence southerly along the Don Valley Parkway to Lawrence Avenue East; thence easterly along Lawrence Avenue East to the easterly limit of the Borough of North York;
- (b) Ward 1 of the Borough of East York.

THE ELECTORAL DISTRICT OF DOVERCOURT—consists of that portion of the City of Toronto lying within the following limits: Commencing at the intersection of the northerly limit of the City of Toronto and the northerly prolongation of Alberta Avenue; thence westerly and northerly along the limit of the City of Toronto to Harvie Avenue; thence southerly along Harvie Avenue to St. Clair Avenue West; thence easterly along St. Clair Avenue West to Greenlaw Avenue; thence southerly along Greenlaw Avenue to Davenport Road; thence westerly along Davenport Road to Primrose Avenue; thence southerly along Primrose Avenue and Emerson Avenue to Wallace Avenue; thence easterly along Wallace Avenue to Brock Avenue; thence southerly along Brock Avenue to Bloor Street West; thence westerly along Bloor Street West to Brock Avenue; thence southerly along Brock Avenue to Queen Street West; thence easterly along Queen Street West to Elm Grove Avenue; thence southerly along Elm Grove Avenue to King Street West; thence westerly along King Street West to Spencer Avenue; thence southerly along Spencer Avenue and the southerly prolongation of Spencer Avenue to the shore of Lake Ontario; thence easterly along the shore of Lake Ontario to the intersection of the said lake shore and the southerly prolongation of Shaw Street; thence northerly along the said prolongation to the Gardiner Expressway; thence westerly along the Gardiner Expressway to the intersection of the said Expressway and the southerly prolongation of Atlantic Avenue; thence northerly along said prolongation and Atlantic Avenue to King Street West; thence northerly in a straight line to the intersection of Sudbury Street and Dovercourt Road; thence northerly along Dovercourt Road to College Street; thence easterly along College Street to Ossington Avenue; thence northerly along Ossington Avenue to Davenport

Road; thence westerly along Davenport Road to Alberta Avenue; thence northerly along Alberta Avenue and the northerly prolongation of Alberta Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF DOWNSVIEW—consists of that portion of the Borough of North York lying within the following limits: Commencing at the intersection of Steeles Avenue West and Dufferin Street; thence southerly along Dufferin Street to Sheppard Avenue West; thence easterly along Sheppard Avenue West to the easterly boundary of the Downsview Airport; thence southerly, easterly and westerly along the said easterly boundary to Wilson Avenue; thence westerly along Wilson Avenue to Dufferin Street; thence southerly along Dufferin Street to the Macdonald-Cartier Freeway; thence westerly along the said Freeway to the Canadian National Railway line; thence southerly along the said railway line to the southern boundary of the Borough of North York; thence westerly, northerly, easterly and northerly along the boundary of the Borough of North York and continuing northerly along Jane Street to Sheppard Avenue; thence easterly along Sheppard Avenue to Keele Street; thence northerly along Keele Street to Steeles Avenue West; thence easterly along Steeles Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF EGLINTON—consists of that portion of the City of Toronto lying north of a line described as follows: Commencing at the intersection of the east limit of the City of Toronto and Manor Road; thence westerly along Manor Road to Yonge Street; thence northerly along Yonge Street to Eglinton Avenue West; thence westerly along Eglinton Avenue West to the west limit of the City of Toronto.

THE ELECTORAL DISTRICT OF ETOBICOKE—consists of,

- (a) that portion of the Borough of Etobicoke lying north of the Macdonald-Cartier Freeway;
- (b) that portion of the Borough of North York lying west and north of a line described as follows: Commencing at the intersection of Steeles Avenue West and Highway 400; thence southerly along Highway 400 to Finch Avenue West; thence westerly along Finch Avenue West to Islington Avenue; thence southerly along Islington Avenue to the westerly boundary of the Borough of North York.

THE ELECTORAL DISTRICT OF HIGH PARK-SWANSEA—consists of that part of the City of Toronto lying within the following limits: Commencing at the intersection of the westerly limit of the City of Toronto and the shore of Lake Ontario; thence westerly, northerly and easterly following the said city limit to its intersection with the Canadian National Railway line; thence southerly along said railway line to Bloor Street West; thence westerly along Bloor Street West to Dundas Street West; thence southerly along Dundas Street West to Roncesvalles Avenue; thence southerly along Roncesvalles Avenue to Queen Street West; thence westerly along Queen Street West and the westerly prolongation of Queen Street West to the Gardiner Expressway; thence southeasterly along the Gardiner Expressway to Dowling Avenue; thence southerly along the prolongation of Dowling Avenue to the shore of Lake Ontario; thence northwesterly along the shore of Lake Ontario to the point of commencement.

THE ELECTORAL DISTRICT OF HUMBER—consists of that portion of the Borough of Etobicoke lying within the following limits: Commencing at the intersection of the Gardiner Expressway and the Humber River; thence westerly along the Gardiner Expressway and Queen Elizabeth Way to Mimico Creek; thence northerly along Mimico Creek to Bloor Street West; thence westerly along Bloor Street West to the Canadian Pacific Railway line; thence southwesterly along said railway line to Kipling Avenue; thence northerly along Kipling Avenue to the Macdonald-Cartier Freeway; thence northeasterly and easterly along said Freeway to the Humber River; thence southerly along the Humber River to the point of commencement.

THE ELECTORAL DISTRICT OF LAKESHORE—consists of that portion of the Borough of Etobicoke lying south of a line described as follows: Commencing at the intersection of the Gardiner Expressway and the Humber River; thence westerly along the Gardiner Expressway and Queen Elizabeth Way to Mimico Creek; thence northwesterly along Mimico Creek to Bloor Street West; thence westerly along Bloor Street West to the Canadian Pacific Railway line; thence southwesterly along said railway line to the westerly boundary of the Borough of Etobicoke.

THE ELECTORAL DISTRICT OF OAKWOOD—consists of that portion of the Borough of York lying east of a line described as follows: Commencing at the intersection of the north boundary of the Borough of York and Keele Street; thence southerly along Keele Street to Eglinton Avenue; thence easterly along Eglinton Avenue to the Canadian National Railway line; thence southerly along the Canadian National Railway line to the northern limit of the City of Toronto.

THE ELECTORAL DISTRICT OF ORIOLE—consists of that portion of the Borough of North York lying within the following limits: Commencing at the intersection of Victoria Park Avenue and Pawnee Avenue; thence westerly along Pawnee Avenue to Cherokee Boulevard; thence westerly in a straight line to the intersection of Shawnee Circle and Finch Avenue East; thence westerly along Finch Avenue East to the Don River; thence southeasterly along the Don River to Leslie Street; thence southerly along Leslie Street to York Mills Road; thence easterly along York Mills Road to the Don River; thence southeasterly along the Don River to Don Valley Parkway; thence southerly along the Don Valley Parkway to Lawrence Avenue East; thence easterly along Lawrence Avenue East to Victoria Park Avenue; thence northerly along Victoria Park Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF PARKDALE—consists of that portion of the City of Toronto lying within the following limits: Commencing at the intersection of the shore of Lake Ontario and the southerly prolongation of Spencer Avenue; thence northerly along the said prolongation and Spencer Avenue to King Street West; thence easterly along King Street West to Elm Grove Avenue; thence northerly along Elm Grove Avenue to Queen Street West; thence westerly along Queen Street West to Brock Avenue; thence northerly along Brock Avenue to Bloor Street West; thence easterly along Bloor Street West to Brock Avenue; thence northerly along Brock Avenue to Wallace Avenue; thence westerly along Wallace Avenue to Emerson Avenue; thence northerly along Emerson Avenue and Primrose Avenue to Davenport Road; thence easterly along Davenport Road to Greenlaw Avenue; thence northerly along Greenlaw Avenue to St. Clair Avenue West; thence westerly along St. Clair Avenue West to Harvie Avenue; thence northerly along Harvie Avenue to the northerly limit of the City of Toronto; thence westerly along the northerly limit of the City of Toronto to the first Canadian National Railway line west of Union Street; thence southeasterly along the said railway line to Bloor Street West; thence westerly along Bloor Street West to Dundas Street West; thence southerly along Dundas Street West to Roncesvalles Avenue; thence southerly along Roncesvalles Avenue to Queen Street West; thence westerly along Queen Street West and the westerly prolongation of Queen Street West to the Gardiner Expressway; thence southeasterly along the Gardiner Expressway to Dowling Avenue; thence southerly along Dowling Avenue and the southerly prolongation of Dowling Avenue to the shore of Lake Ontario; thence southeasterly along the shore of Lake Ontario to the point of commencement.

THE ELECTORAL DISTRICT OF RIVERDALE—consists of that portion of the City of Toronto lying within the following limits: Commencing at the intersection of the main waters of Lake Ontario and the centre line of the channel known as Coatsworth Cut; thence northwesterly along the centre line of the said channel to the centre line of Ashbridges Bay; thence northeasterly along the centre line of the said Bay to the southerly prolongation of Coxwell Avenue;

thence northerly along the said prolongation and Coxwell Avenue to the Canadian National Railway line; thence westerly along said Railway line to Greenwood Avenue; thence northerly along Greenwood Avenue to the northerly limit of the City of Toronto; thence westerly, northerly and westerly along the said northerly limit to Jackman Avenue; thence southerly along Jackman Avenue to Danforth Avenue; thence easterly along Danforth Avenue to Hampton Avenue; thence southerly along Hampton Avenue to Sparkhall Avenue; thence westerly along Sparkhall Avenue to Broadview Avenue; thence southerly along Broadview Avenue to Gerrard Street East; thence easterly along Gerrard Street East to De Grassi Street; thence southerly along De Grassi Street to Queen Street East; thence easterly along Queen Street East to Carlaw Avenue; thence southerly along Carlaw Avenue and the southerly prolongation of Carlaw Avenue to the shore of Lake Ontario; thence north-easterly along the shore of Lake Ontario to the point of commencement.

THE ELECTORAL DISTRICT OF St. ANDREW-St. PATRICK—consists of that portion of the City of Toronto lying within the following limits: Commencing at the intersection of Eglinton Avenue West and Bathurst Street; thence southerly along Bathurst Street to the boundary between the City of Toronto and the Borough of York; thence easterly, southerly and westerly along the said boundary to Bathurst Street; thence southerly along Bathurst Street to the Canadian Pacific Railway line; thence westerly along the said railway line to Palmerston Avenue; thence southerly along Palmerston Avenue, Tecumseth Street and the southerly prolongation of Tecumseth Street to the centre line of the channel known as the Western Gap; thence southwesterly along the centre line of the said Channel to the main waters of Lake Ontario; thence southerly and easterly along the shore of Lake Ontario, including the Toronto Islands, to the centre line of the Channel known as the Eastern Gap; thence northwesterly along the centre line of the said Channel to the southerly prolongation of Parliament Street; thence northerly along the said prolongation to the water's edge of Toronto Harbour; thence westerly along the northerly line of Toronto Harbour to the southerly prolongation of York Street; thence northerly along the said prolongation, York Street and University Avenue to Queen's Park Crescent; thence northerly along the easterly side of Queen's Park Crescent to Bloor Street West; thence westerly along Bloor Street West to Spadina Road; thence northerly along Spadina Road to the Canadian Pacific Railway line; thence easterly along said railway line to Avenue Road; thence northerly along Avenue Road to Lonsdale Road; thence easterly along Lonsdale Road to Oriole Parkway; thence northerly along Oriole Parkway to the Canadian National Railway line; thence southeasterly along said railway line to Yonge Street; thence northerly along Yonge Street to Eglinton Avenue; thence westerly along Eglinton Avenue to the point of commencement.

THE ELECTORAL DISTRICT OF St. DAVID—consists of that portion of the City of Toronto lying within the following limits: Commencing at the intersection of the shore of Lake Ontario and the southerly prolongation of Carlaw Avenue; thence northerly along said prolongation and Carlaw Avenue to Queen Street East; thence westerly along Queen Street East to De Grassi Street; thence northerly along De Grassi Street to Gerrard Street East; thence westerly along Gerrard Street East to Broadview Avenue; thence northerly along Broadview Avenue to Sparkhall Avenue; thence easterly along Sparkhall Avenue to Hampton Avenue; thence northerly along Hampton Avenue to Danforth Avenue; thence westerly along Danforth Avenue to Jackman Avenue; thence northerly along Jackman Avenue to the boundary between the City of Toronto and the Borough of East York; thence following said boundary westerly, northerly, easterly and northerly to Manor Road; thence westerly along Manor Road to Yonge Street; thence southerly along Yonge Street to Bloor Street East; thence easterly along Bloor Street East to Parliament Street; thence southerly along Parliament Street and continuing southerly along the prolongation of Parliament Street through the Eastern Channel to the shore of Lake Ontario; thence easterly following said shore to the point of commencement.

THE ELECTORAL DISTRICT OF ST. GEORGE—consists of that portion of the City of Toronto lying within the following limits: Commencing at the intersection of the prolongation of York Street and the northerly line of Toronto Harbour; thence northerly along said prolongation and York Street and continuing northerly along University Avenue to Queen's Park Crescent; thence northerly along the easterly side of Queen's Park Crescent to Bloor Street West; thence westerly along Bloor Street West to Spadina Road; thence northerly along Spadina Road to the Canadian Pacific Railway line; thence easterly along said railway line to Avenue Road; thence northerly along Avenue Road to Lonsdale Road; thence easterly along Lonsdale Road to Oriole Parkway; thence northerly along Oriole Parkway to the Canadian National Railway line; thence southeasterly along the said railway line to Yonge Street; thence southerly along Yonge Street to Bloor Street East; thence easterly along Bloor Street East to Parliament Street; thence southerly along Parliament Street and the prolongation of Parliament Street to the water's edge of Toronto Harbour; thence westerly along the northerly line of Toronto Harbour to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH CENTRE—consists of that portion of the Borough of Scarborough lying within the following limits: Commencing at the intersection of the southerly prolongation of Markham Road and the shore of Lake Ontario; thence northerly along said prolongation to and along Markham Road to the Canadian National Railway line; thence easterly along said railway line to Scarborough Golf Club Road; thence northerly along Scarborough Golf Club Road to Lawrence Avenue East; thence westerly along Lawrence Avenue East to the Canadian National Railway line; thence southerly along said railway line to Danforth Road; thence northeasterly along Danforth Road to Midland Avenue; thence southerly along Midland Avenue to Kingston Road; thence southwesterly along Kingston Road to the northerly prolongation to Wynnview Court; thence southerly along said prolongation to and along Wynnview Court and continuing southerly along the southerly prolongation of Wynnview Court to the shore of Lake Ontario; thence northeasterly along the shore of Lake Ontario to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH EAST—consists of that portion of the Borough of Scarborough lying east and south of a line described as follows: Commencing at the intersection of the southerly prolongation of Markham Road and the shore of Lake Ontario; thence northerly along said prolongation to and along Markham Road to the Canadian National Railway line; thence easterly along said railway line to Scarborough Golf Club Road; thence northerly along Scarborough Golf Club Road to Ellesmere Road; thence westerly along Ellesmere Road to Markham Road; thence northerly along Markham Road to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the Borough of Scarborough.

THE ELECTORAL DISTRICT OF SCARBOROUGH-ELLESMERE—consists of that portion of the Borough of Scarborough lying within the following limits: Commencing at the intersection of Eglinton Avenue East and the first Canadian National Railway line east of Kennedy Road; thence northerly along said railway line to Lawrence Avenue East; thence easterly along Lawrence Avenue East to Scarborough Golf Club Road; thence northerly along Scarborough Golf Club Road to Ellesmere Road; thence westerly along Ellesmere Road to Markham Road; thence northerly along Markham Road to the Macdonald-Cartier Freeway; thence westerly along the Macdonald-Cartier Freeway to Birchmount Road; thence southerly along Birchmount Road to Lawrence Avenue East; thence westerly along Lawrence Avenue East to Victoria Park Avenue; thence southerly along Victoria Park Avenue to Eglinton Avenue East; thence easterly along Eglinton Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF SCARBOROUGH NORTH—consists of that portion of the Borough of Scarborough lying north and west of a line described as follows: Commencing at the intersection of Victoria Park Avenue and Lawrence Avenue East; thence easterly along Lawrence Avenue East to Birchmount Road; thence northerly along Birchmount Road to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to the easterly limit of the Borough of Scarborough.

THE ELECTORAL DISTRICT OF SCARBOROUGH WEST—consists of that portion of the Borough of Scarborough bounded on the south by the shore of Lake Ontario, on the west by the west limit of the Borough of Scarborough, on the north by Eglinton Avenue East and on the east by a line described as follows: Commencing at the intersection of Eglinton Avenue East and the first Canadian National Railway line east of Kennedy Road; thence southerly along said railway line to Danforth Road; thence northeasterly along Danforth Road to Midland Avenue; thence southerly along Midland Avenue to Kingston Road; thence southwesterly along Kingston Road to the northerly prolongation of Wynnview Court; thence southerly along said prolongation to and along Wynnview Court and continuing southerly along the southerly prolongation of Wynnview Court to the shore of Lake Ontario.

THE ELECTORAL DISTRICT OF WILSON HEIGHTS—consists of that portion of the Borough of North York lying within the following limits: Commencing at the intersection of Steeles Avenue West and Dufferin Street; thence southerly along Dufferin Street to Sheppard Avenue West; thence easterly along Sheppard Avenue West to the easterly boundary of the Downsview Airport; thence southerly, easterly and westerly along the said easterly boundary to Wilson Avenue; thence westerly along Wilson Avenue to Dufferin Street; thence southerly along Dufferin Street to the Macdonald-Cartier Freeway; thence westerly along the said Freeway to the Canadian National Railway line; thence southerly along the said railway line to the southern boundary of the Borough of North York; thence easterly along the boundary of the Borough of North York to Bathurst Street; thence northerly along Bathurst Street to Steeles Avenue West; thence westerly along Steeles Avenue West to the point of commencement.

THE ELECTORAL DISTRICT OF YORK EAST—consists of wards 2, 3 and 4 of the Borough of East York.

THE ELECTORAL DISTRICT OF YORK MILLS—consists of that part of the Borough of North York lying within the following limits: Commencing at the intersection of Steeles Avenue East and Bayview Avenue; thence southerly along Bayview Avenue to Cummer Avenue; thence westerly along Cummer Avenue to Yonge Street; thence southerly along Yonge Street to the North limit of the City of Toronto; thence easterly and southerly following said city limit to Lawrence Avenue East; thence easterly along Lawrence Avenue East to Leslie Street; thence northerly along Leslie Street to the Don River; thence northerly along the Don River to Finch Avenue East; thence easterly along Finch Avenue East to Shawnee Circle; thence easterly in a straight line to the intersection of Cherokee Boulevard and Pawnee Avenue; thence easterly along Pawnee Avenue to Victoria Park Avenue; thence northerly along Victoria Park Avenue to Steeles Avenue East; thence westerly along Steeles Avenue East to the point of commencement.

THE ELECTORAL DISTRICT OF YORK SOUTH—consists of those portions of the Boroughs of York and North York lying within the following limits: Commencing at the intersection of the limit between the City of Toronto and the Borough of York with the Humber River; thence northerly along the Humber River to the Macdonald-Cartier Freeway; thence easterly along the Macdonald-Cartier Freeway to Jane Street; thence southerly along Jane Street to the boundary between the Borough of York and the Borough of North York; thence

southerly, westerly and easterly following said boundary to Keele Street; thence southerly along Keele Street to Eglinton Avenue; thence easterly along Eglinton Avenue to the Canadian National Railway line; thence southerly along said Railway line to the limit between the City of Toronto and the Borough of York; thence westerly and southerly along said limit to the point of commencement.

THE ELECTORAL DISTRICT OF YORK WEST—consists of that portion of the Borough of Etobicoke lying within the following limits: Commencing at the intersection of the Canadian Pacific Railway line and the Westerly boundary of the Borough of Etobicoke; thence northerly, easterly and northerly along said westerly boundary to the Macdonald-Cartier Freeway; thence easterly and northeasterly along said Freeway to Kipling Avenue; thence southerly along Kipling Avenue to the Canadian Pacific Railway line; thence southwesterly along said railway line to the point of commencement.

THE ELECTORAL DISTRICT OF YORKVIEW—consists of that portion of the Borough of North York lying within the following limits: Commencing at the intersection of Steeles Avenue West and Highway 400; thence southerly along Highway 400 to Finch Avenue West; thence westerly along Finch Avenue West to Islington Avenue; thence southerly along Islington Avenue to the westerly boundary of the Borough of North York; thence southerly, easterly and southerly along said westerly boundary to the Macdonald-Cartier Freeway; thence easterly along said Freeway to Jane Street; thence northerly along Jane Street to Sheppard Avenue West; thence easterly along Sheppard Avenue West to Keele Street; thence northerly along Keele Street to Steeles Avenue West; thence westerly along Steeles Avenue West to the point of commencement.

CHAPTER 14

An Act to amend The Succession Duty Act

Assented to May 2nd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 7 of *The Succession Duty Act*, <sup>s. 7 (1),
amended</sup> being chapter 449 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2 and amended by 1974, chapter 40, section 1, is further amended:
- (a) by inserting after “value,” in the ninth line “after making the deduction provided for in subsection 7,”; and
 - (b) by adding thereto the following clause:
 - (a) exceeds 1 dollar and does not exceed \$150,000—
—11 per cent of the amount of the aggregate value.
- (2) Clause *bb* of subsection 1 of the said section 7 is repealed <sup>s. 7 (1) (bb),
re-enacted</sup> and the following substituted therefor:
- (bb) exceeds \$250,000 and does not exceed \$300,000—
6½ per cent plus 1/50 of 1 per cent for each full \$2,000 by which the amount exceeds \$250,000.
- (3) Subsection 5 of the said section 7, as amended by the <sup>s. 7 (5),
amended</sup> Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2 and 1974, chapter 40, section 1, is further amended by inserting after “value,” in the fourteenth line “after making the deduction provided for in subsection 7,”.
- (4) Clause *a* of subsection 5 of the said section 7, as re-enacted <sup>s. 7 (5) (a),
re-enacted</sup> by the Statutes of Ontario, 1974, chapter 40, section 1, is repealed and the following substituted therefor:
- (a) exceeds 1 dollar and does not exceed \$200,000—24 per cent of the amount of the aggregate value.

s. 7 (5) (*aa*),
repealed

- (5) Clause *aa* of subsection 5 of the said section 7, as re-enacted by the Statutes of Ontario, 1974, chapter 40, section 1, is repealed.

s. 7 (5) (*bb*),
repealed

- (6) Clause *bb* of subsection 5 of the said section 7, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed.

s. 7 (5) (*cc*),
re-enacted

- (7) Clause *cc* of subsection 5 of the said section 7, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor:

(*cc*) exceeds \$250,000 and does not exceed \$300,000—
8½ per cent plus 1/50 of 1 per cent for each full
\$2,000 by which the amount exceeds \$250,000.

s. 7 (6),
amended

- (8) Subsection 6 of the said section 7, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2 and 1974, chapter 40, section 1, is further amended by inserting after “value,” in the sixth line “after making the deduction provided for in subsection 7,”.

s. 7 (6) (*a*),
re-enacted

- (9) Clause *a* of subsection 6 of the said section 7, as re-enacted by the Statutes of Ontario, 1974, chapter 40, section 1, is repealed and the following substituted therefor:

(*a*) exceeds 1 dollar and does not exceed \$200,000—
35 per cent of the amount of the aggregate value.

s. 7,
amended

- (10) The said section 7 is amended by adding thereto the following subsection:

Reduction
in aggregate
value for
rate
purposes

- (7) For the purpose of determining the applicable rate of duty under clauses *a* to *l* of subsection 1, clauses *a* to *f* of subsection 5 and clauses *a* to *h* of subsection 6, the expression “aggregate value” in subsections 1, 5 and 6 means the aggregate value determined in accordance with clause *a* of section 1, minus the lesser of,

(*a*) the amount of such aggregate value so determined;
and

(*b*) \$250,000.

s. 7 (8) (*c*) (*i*),
amended

- (11) Subclause *i* of clause *c* of subsection 8 of the said section 7, as amended by the Statutes of Ontario, 1974, chapter 40, section 1, is further amended by striking out “\$150,000” in the amendment of 1974 and inserting in lieu thereof “\$250,000”.

- 2.—(1) Subclause vi of clause *b* of subsection 1 of section 17*a* <sup>s. 17*a* (1) (b),
amended</sup> of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 40, section 2, is amended by inserting after “partnership” in the second line “, 95 per cent of the assets of which are farming assets,”.
- (2) Clause *f* of subsection 1 of the said section 17*a*, as enacted <sup>s. 17*a* (1) (f),
amended</sup> by the Statutes of Ontario, 1973, chapter 109, section 6, is amended by striking out “deceased then been living” in the seventh line and inserting in lieu thereof “death of the deceased then occurred”.
- (3) Subsection 4 of the said section 17*a* is amended by striking <sup>s. 17*a* (4),
amended</sup> out “1/25” in the second line and inserting in lieu thereof “1/10” and by striking out “24” in the fourth line and inserting in lieu thereof “9”.
- (4) Clause *b* of subsection 11 of the said section 17*a* is repealed <sup>s. 17*a* (11) (b),
re-enacted</sup> and the following substituted therefor:

(b) \$75,000.

3. The said Act is amended by adding thereto the following <sup>s. 17*c*,
enacted</sup> section:

17*c*.—(1) In this section,

Interpre-
tation

(a) “forgivable business duty” means,

- (i) the duty levied on shares of a small active business corporation that are property passing on the death of the deceased to a member of the family of the deceased ordinarily resident in Canada, and
- (ii) the duty levied on a member of the family of the deceased ordinarily resident in Canada or payable by him with respect to shares of a small active business corporation that are property passing to him on the death of the deceased or that are included in a disposition to him made by the deceased that does not come within clause *g* of subsection 1 of section 5,

but where forgivable business duty as hereinbefore defined is only part of the duty payable as a result of the death of the deceased by a member of the family of the deceased ordinarily resident in Canada, “forgivable business duty” means the proportion of

the total duty payable by that person that the value of the shares in the small active business corporation that are dutiable to him bears to the value of all property passing to him on the death of the deceased and of all dispositions to him from the deceased that do not come within clause *g* of subsection 1 of section 5;

- (b) "member of the family", in addition to its meaning in clause *k* of section 1, includes such people as would be members of the family of the deceased if, at the time when the expression is being applied to them, they would have been members of the family of the deceased within clause *k* of section 1 had the death of the deceased then occurred;
- (c) "small active business corporation" means a company,
 - (i) incorporated under the laws of Canada or a province of Canada,
 - (ii) that carries on in Canada an active commercial business (other than a business of an investment or financial nature that is not the making of loans or the trading or dealing in stocks, bonds, mortgages, bills, notes or other similar property) from which at least 75 per cent of its income is derived,
 - (iii) more than 50 per cent of the shares of which that confer on the holder thereof the right to vote are, at the date of the death of the deceased, owned either by the deceased or by a member or members of his family ordinarily resident in Canada, and
 - (iv) that, for the fiscal year ended immediately prior to the death of the deceased, qualified for a deduction under section 125 of the *Income Tax Act* (Canada) notwithstanding that no deduction is allowed under that section for the fiscal year by reason only that the amount determined under paragraph *a* or *b* of subsection 1 of that section is nil for the fiscal year.

1970-71,
c. 63 (Can.)

Discharge
of
forgivable
business
duty

(2) Where the property passing on the death of the deceased or any disposition made by him that does not come within clause *g* of subsection 1 of section 5 includes shares of a

small active business corporation, the forgivable duty referable to those shares is payable only in accordance with this section and shall be reduced and discharged as hereinafter provided and upon the conditions hereinafter set forth.

(3) On all forgivable business duty that is neither paid nor discharged by operation of this section, interest is payable at the rate applicable to duty payable under subsection 1 of section 16.

Interest

(4) Subject to subsection 8, the forgivable business duty shall be reduced and discharged by an amount equal to 1/10 of that forgivable business duty on each of the first anniversary of the death of the deceased and the nine next succeeding anniversaries of his death, and all interest owing at the time of any reduction and discharge of forgivable business duty is cancelled by the reduction of duty, provided that, during the year preceding any reduction or discharge of forgivable business duty, more than 50 per cent of the voting shares of the small active business corporation continued to be held by members of the family of the deceased ordinarily resident in Canada and the corporation continued to carry on an active commercial business as described in subclause ii of clause c of subsection 1.

Forgivable
business
duty to
be
discharged

(5) If, while any part of the forgivable business duty remains unpaid and undischarged,

Forgivable
business
duty, when
payable

- (a) 50 per cent or more of the voting shares of the small active business corporation cease to be held by members of the family of the deceased ordinarily resident in Canada; or
- (b) the small active business corporation ceases to carry on an active commercial business as described in subclause ii of clause c of subsection 1,

the part of the forgivable business duty that is unpaid and undischarged at the happening of any event referred to in clause a or b of this subsection is, subject to subsection 8, payable immediately upon the happening of any of the said events, and until fully paid bears interest at the rate applicable to duty payable under subsection 1 of section 16.

(6) Subject to subsection 8, if any event referred to in clause a or b of subsection 5 occurs before the second anniversary of the date of the death of the deceased, all the forgivable business duty owing by the person with respect to whom any such event occurred is immediately payable

Exception

with interest as hereinbefore provided in this section and notwithstanding that a part of that forgivable business duty was discharged by the operation of subsection 4.

Information to be furnished to the Minister

(7) The Minister may from time to time require any person to furnish to him information on any matter that, in the opinion of the Minister, is relevant in establishing that all the conditions laid down by this section have been and continue to be fulfilled by all persons by whom forgivable business duty is payable, and where a person who should furnish such information as the Minister requires refuses so to do, the Minister may demand from that person the forgivable business duty owing by him that is then unpaid and undischarged, and upon the demand in writing being made, the forgivable business duty owing is forthwith payable with interest at the rate applicable to duty payable under subsection 1 of section 16, but no demand under this subsection shall be made until the person thereby affected has been afforded an opportunity to appear before the Minister to show why the information was not provided by him as required.

Suspension of forgivable business duty

(8) Where, by reason of the destruction of, damage to, or expropriation of property of a small active business corporation, or by reason of some other event beyond the control of the corporation, it ceases to carry on an active commercial business as described in subclause ii of clause *c* of subsection 1, and the corporation satisfies the Minister that it intends to carry on an active commercial business as described in subclause ii of clause *c* of subsection 1 as soon as it can reasonably do so, the Minister may suspend any further reduction and discharge of the forgivable business duty then payable and undischarged for a period of not more than two years, and if the corporation, within the time during which such suspension is in force, commences to carry on an active commercial business as described in subclause ii of clause *c* of subsection 1, any reduction and discharge of forgivable business duty that might have been made during the period of the suspension shall be made as if no suspension had taken place, but if such active commercial business is not so commenced, the forgivable business duty owing at the beginning of the period of suspension shall be payable forthwith with interest thereon from the end of the period of suspension until the date of payment and at the rate applicable to duty payable under subsection 1 of section 16.

Small active business deduction

(9) Notwithstanding any provision of this Act to the contrary, where shares of a small active business corporation are property deemed to pass on the death of the deceased by subclause *x* of clause *r* of section 1 or are included in a

disposition or dispositions that do not come within clause *g* of subsection 1 of section 5, the aggregate and the dutiable value of such shares shall, for the purpose of computing the duty imposed by this Act, be reduced by an amount equal to the lesser of,

(a) the dutiable value of such shares before making the reduction required by this subsection; or

(b) \$75,000.

4. This Act shall be deemed to have come into force on the 8th day of April, 1975, and applies to every case in which duty is imposed by *The Succession Duty Act* as a result of the death of a person dying on or after that day. Commence-
ment
5. This Act may be cited as *The Succession Duty Amendment Act, 1975*. Short title

CHAPTER 15

An Act to amend The Gift Tax Act, 1972

Assented to May 2nd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *h* of subsection 1 of section 10 of *The Gift Tax Act, 1972*, being chapter 12, as enacted by the Statutes of Ontario, 1973, chapter 165, section 2, is repealed and the following substituted therefor:

s. 10 (1) (h),
re-enacted

- (h) absolute and indefeasible gifts, except gifts made by the creation of a settlement or by the transfer of property to a trust, of farming assets in Ontario given after the 12th day of April, 1973 by a donor who is resident in Ontario, or who is the spouse of an individual who is resident in Ontario, to a person or persons resident in Ontario and connected with the donor by blood relationship, marriage or adoption to be used by such person or persons, or by such person or persons together with the donor or the spouse of the donor, in farming in Ontario, but no gifts are exempt from tax by virtue of this clause,
- (i) to the extent that the value of all such gifts of farming assets in Ontario, after making allowance for any other exemption or deduction permitted by this Act, that are given after the 12th day of April, 1973, during the life of the donor, and prior to the 1st day of January, 1975 exceeds \$50,000, or
- (ii) to the extent that the value of all such gifts of farming assets in Ontario, after making allowance for any other exemption or deduction permitted by this Act, that are given on or after the 1st day of January, 1975 and during the lifetime of the donor exceeds the result obtained by subtracting from \$75,000 the value of any exemption to which

the donor was entitled under this clause with respect to gifts given prior to the 1st day of January, 1975;

- (i) absolute and indefeasible gifts, except gifts made by the creation of a settlement or by the transfer of property to a trust, of shares of a small active business corporation given on or after the 1st day of January, 1975 by a donor to a person or persons connected with the donor by blood relationship, marriage or adoption, but no gifts are exempt from tax by virtue of this clause to the extent that the value of all such gifts of shares of a small active business corporation, after making allowance for any other exemption or deduction permitted by this Act, that are made during the lifetime of the donor exceeds \$75,000.

s. 10 (1),
amended

- (2) Subsection 1 of the said section 10, as amended by the Statutes of Ontario, 1973, chapter 165, section 2, is further amended by adding thereto the following clause:

- (j) absolute and indefeasible gifts made by a donor to or for the benefit of his spouse by way of any payment as a contribution to, or as consideration under a contract that is, a registered retirement savings plan under which his spouse is the annuitant.

s. 10 (2),
re-enacted

- (3) Subsection 2 of the said section 10, as enacted by the Statutes of Ontario, 1973, chapter 165, section 2, is repealed and the following substituted therefor:

Interpre-
tation

- (2) For the purpose of this section,

- (a) "farming" includes tillage of the soil, the breeding, raising or grazing of live stock of all kinds, the raising of poultry and the production of poultry products, fur farming, dairy farming, fruit growing, the growing of food for human consumption or for the feeding of live stock, and the keeping of bees;

- (b) "farming assets" means,

- (i) trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming,
- (ii) land, buildings, equipment, machinery and live stock that are used chiefly in farming,
- (iii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,

- (iv) the building in which a person resides who is engaged in farming if that building is on land that is or is contiguous to land used by that person in farming, and
 - (v) shares in a farming corporation,
 - (vi) any indebtedness that is owing to the donor from a person or persons connected with the donor by blood relationship, marriage or adoption and resident in Ontario or from a farming corporation solely as a result of a sale by the donor to a person or persons connected with the donor by blood relationship, marriage or adoption and resident in Ontario or to a farming corporation of farming assets as defined in subclause i, ii, iii, iv or v and such indebtedness is "farming assets" only if, in addition to the foregoing requirements of this subclause, the farming assets the sale of which gave rise to such indebtedness are at the date of the gift used in farming,
 - (A) by the person, persons or farming corporation indebted to the donor, or
 - (B) by a person resident in Ontario who is connected with the person or persons mentioned in sub-subclause A by blood relationship, marriage or adoption, and
 - (vii) the interest of a donor in a partnership 95 per cent of the assets of which are farming assets as defined in subclause i, ii, iii, iv, v or vi and that carried on farming in Ontario, provided that the gift of such interest is to a person or persons connected with the donor by blood relationship, marriage or adoption and resident in Ontario or to a farming corporation;
- (c) "farming corporation" means a corporation,
- (i) every share of which that confers on the holder thereof the right to vote is, at the date of the gift, owned either by the donor or by a person or persons connected with the donor by blood relationship, marriage or adoption and resident in Ontario,

- (ii) 95 per cent of the assets of which are farming assets, and
- (iii) which carries on the business of farming in Ontario through the employment of a person or persons connected with the donor by blood relationship, marriage or adoption actually engaged in the operation of the farm;
- (d) "registered retirement savings plan" has the meaning given to that expression by the *Income Tax Act* (Canada);
- (e) "small active business corporation" means a corporation,
 - (i) incorporated under the laws of Canada or a province of Canada,
 - (ii) that carries on in Canada an active commercial business (other than a business of an investment or financial nature that is not the making of loans or the trading or dealing in stocks, bonds, mortgages, bills, notes or other similar property) from which at least 75 per cent of its income is derived,
 - (iii) more than 50 per cent of the shares of which that confer on the holder thereof the right to vote are, at the date of the gift, owned either by the donor or by a person or persons connected with the donor by blood relationship, marriage or adoption, and
 - (iv) that, in the fiscal year ending in the year in which the gift was made, qualified for a deduction under section 125 of the *Income Tax Act* (Canada) notwithstanding that no deduction is allowed under that section for the fiscal year by reason only that the amount determined under paragraph *a* or *b* of subsection 1 of that section is nil for the fiscal year.

1970-71,
c. 63 (Can.)

s. 11 (1),
amended

2. Subsection 1 of section 11 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 165, section 3, is further amended by striking out "two" in the eighth line and inserting in lieu thereof "five" and by striking out "\$10,000" in the fourteenth line and inserting in lieu thereof "\$25,000".

3. Clauses *a* and *b* of subsection 1 of section 18 of the said Act are repealed and the following substituted therefor: <sup>s. 18 (1) (*a*, *b*),
re-enacted</sup>

- (*a*) a gift exempt from tax under clauses *a* to *g*, or under clause *j*, of subsection 1 of section 10; or
- (*b*) a gift made to an individual having a value of not more than \$5,000 if the aggregate value of gifts made to individuals by the donor in the year does not exceed \$25,000,

.

4. Subsection 6 of section 34 of the said Act is amended by striking out “\$10,000” in the fourth line and in the eighth line and inserting in lieu thereof in each instance “\$25,000” and by striking out “\$2,000” in the thirteenth line and inserting in lieu thereof “\$5,000”. <sup>s. 34 (6),
amended</sup>
5. Subsection 2 of section 42 of the said Act is amended by inserting after “annum” in the second line “or such other rate as is prescribed”. <sup>s. 42 (2),
amended</sup>
6. Section 46 of the said Act is repealed. <sup>s. 46,
repealed</sup>
- 7.—(1) This Act, except subsection 2 of section 1 and section 2, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
- (2) Subsection 2 of section 1 shall be deemed to have come into force on the 1st day of January, 1974. ^{Idem}
- (3) Section 2 shall be deemed to have come into force on the 1st day of January, 1975. ^{Idem}
8. This Act may be cited as *The Gift Tax Amendment Act, 1975*. ^{Short title}

CHAPTER 16

An Act to amend The Income Tax Act

Assented to May 2nd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 7 of section 3 of *The Income Tax Act*, <sup>s. 3 (7) (b),
amended</sup> being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 1, is amended by inserting after "2" in the fifth line "or 4a".

2. Section 6a of the said Act, as enacted by the Statutes of <sup>s. 6a,
re-enacted</sup> Ontario, 1971 (2nd Session), chapter 1, section 7, is repealed and the following substituted therefor:

6a. Where the tax payable under this Act for a taxation <sup>No tax
payable in
certain
cases</sup> year by an individual to whom subsection 1 of section 3 applies does not, before making any deduction to which the individual is entitled under subsection 2 or 4a of section 6b, exceed \$61, no tax is payable under this Act for the taxation year by the individual.

- 3.—(1) Clause *f* of subsection 1 of section 6b of the said Act, as <sup>s. 6b (1) (f),
amended</sup> re-enacted by the Statutes of Ontario, 1973, chapter 21, section 2 and amended by 1973, chapter 153, section 2, is further amended by striking out "or" at the end of subclause iii, by inserting "or" at the end of subclause iv and by adding thereto the following subclause:

(v) an individual who, by virtue of any agreement, convention or treaty entered into by Canada with another country, was not required to pay tax under the Federal Act.

- (2) Subsection 1 of the said section 6b, as re-enacted by the <sup>s. 6b (1),
amended</sup> Statutes of Ontario, 1972, chapter 146, section 2 and amended by 1973, chapter 21, section 2 and 1973, chapter 153, section 2, is further amended by adding thereto the following clauses:

1975, c. 12

(g) “recorded agent” means a person on record with the Commission on Election Contributions and Expenses as being authorized to accept contributions on behalf of a political party, constituency association or candidate registered under *The Election Finances Reform Act, 1975*;

(h) “registered candidate” with respect to an election of a member or members to serve in the Assembly, means a person who has been registered as a candidate for such election by the Commission on Election Contributions and Expenses and whose name has not been deleted from the register of candidates maintained by the Commission with respect to such election;

(i) “registered constituency association” means a registered constituency association within the meaning given to that expression by *The Election Finances Reform Act, 1975*;

(j) “registered party” means a registered party within the meaning given to that expression by *The Election Finances Reform Act, 1975*.

s. 6b (2) (b) (i),
amended

(3) Subclause i of clause b of subsection 2 of the said section 6b, as re-enacted by the Statutes of Ontario, 1973, chapter 153, section 2, is amended by striking out “or iv” in the third line and inserting in lieu thereof “iv or v”.

s. 6b,
amended

(4) The said section 6b, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2 and amended by 1973, chapter 21, section 2, 1973, chapter 153, section 2 and 1974, chapter 91, section 2, is further amended by adding thereto the following subsection:

Taxable
income
deemed nil

(2a) Where, by virtue of the application of section 6a, an individual has no tax payable under this Act before making any deduction to which he is entitled under subsection 2 or 4a, he shall, for the purpose of computing the deduction to which he is entitled under subsection 2, be deemed to have no taxable income.

s. 6b,
amended

(5) The said section 6b is further amended by adding thereto the following subsection:

Tax credit
for
election
contributions

(4a) In respect of the aggregate of amounts (the aggregate of which amounts is hereafter in this subsection referred to as “the amount contributed”) that are contributions for the purposes of *The Election Finances Reform Act, 1975*,

and that are contributed in the taxation year by an individual to registered candidates at an election of a member or members to serve in the Assembly, to registered constituency associations or to registered parties, every individual resident in Ontario on the last day of the taxation year may deduct from the amount by which his tax payable under this Act for that taxation year calculated without reference to this section exceeds the amount of the deduction to which he is entitled under subsection 2 for the taxation year,

- (a) 75 per cent of the amount contributed if the amount contributed does not exceed \$100;
- (b) \$75 plus 50 per cent of the amount by which the amount contributed exceeds \$100 if the amount contributed exceeds \$100 and does not exceed \$550; or
- (c) the lesser of,
 - (i) \$300 plus $33\frac{1}{3}$ per cent of the amount by which the amount contributed exceeds \$550 if the amount contributed exceeds \$550, and
 - (ii) \$500,

provided that payment of each amount that is included in the amount contributed is proven by filing with the Minister receipts that are signed by a recorded agent of the registered candidate, registered constituency association or registered party, as the case may be, and that contain the information prescribed to be shown on such receipts.

4. Clause *a* of subsection 1 of section 11 of the said Act is s. 11 (1) (a), re-enacted repealed and the following substituted therefor:

- (a) on or before the 31st day of December in each taxation year, two-thirds of,
 - (i) the amount estimated by him under section 8 to be his tax payable under this Act for the year, or
 - (ii) his tax payable under this Act for the immediately preceding year; and

.

5.—(1) Clause *a* of subsection 1 of section 12 of the said Act s. 12 (1) (a), re-enacted is repealed and the following substituted therefor:

- (a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of,
 - (i) the amount estimated by him under section 8 to be his tax payable under this Act for the year, or
 - (ii) his tax payable under this Act for the immediately preceding year; and

.

s. 12, amended	(2) The said section 12, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 12, is further amended by adding thereto the following subsection:
When no instalment required	(4) Where no federal instalments are required pursuant to section 156.1 of the Federal Act, the requirements for payment by instalments under sections 11 and 12 of this Act are not applicable, and the individual shall on or before the 30th day of April next following the taxation year pay to the Treasurer his estimated tax payable for that taxation year.
Commence- ment	6.—(1) This Act, except sections 1, 2, 3, 4 and 5, comes into force on the day it receives Royal Assent.
Idem	(2) Section 1 and subsections 2 and 5 of section 3 shall be deemed to have come into force at 3 o'clock in the afternoon on the 13th day of February, 1975.
Idem	(3) Section 2 and subsection 4 of section 3 shall be deemed to have come into force on the 1st day of January, 1975 and to apply to the 1975 and subsequent taxation years.
Idem	(4) Subsections 1 and 3 of section 3 and sections 4 and 5 shall be deemed to have come into force on the 1st day of January, 1974 and to apply to the 1974 and subsequent taxation years.
Short title	7. This Act may be cited as <i>The Income Tax Amendment Act, 1975</i> .

CHAPTER 17

**An Act to amend
The Corporations Tax Act, 1972**

Assented to May 2nd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 6 of subsection 1 of section 1 of *The Corporations Tax Act, 1972*, being chapter 143, is repealed and the following substituted therefor: s. 1 (1), par. 6,
re-enacted

6. “bank” means a bank to which the *Bank Act* (Canada) or the *Quebec Savings Banks Act* (Canada) applies. R.S.C. 1970,
c. B-1
R.S.C. 1970,
c. B-4

(2) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1973, chapter 157, section 1, and 1974, chapter 75, section 1, is further amended by adding thereto the following paragraph: s. 1 (1),
amended

9a. “Canadian resource property” has the meaning given to that expression by section 63.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph: s. 1 (1),
amended

17a. “credit union” has the meaning given to that expression by subsection 5 of section 114.

(4) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraphs: s. 1 (1),
amended

33a. “foreign affiliate”, at any time, of a corporation has the meaning given to that expression under paragraph *d* of subsection 1 of section 95 of the *Income Tax Act* (Canada); 1970-71,
c. 63 (Can.)

.

38a. “international traffic” means in respect of a non-resident corporation carrying on the business of

transporting passengers or goods, any voyage made in the course of that business where the principal purpose of the voyage is to transport passengers or goods,

- i. from Canada to a place outside Canada,
- ii. from a place outside Canada to Canada, or
- iii. from a place outside Canada to another place outside Canada.

s. 1 (1),
amended

- (5) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:

50*a*. "paid-up capital" has the meaning given to that expression by subsection 1 of section 83 but such meaning does not apply for the purposes of section 106*a* or Part III of this Act.

s. 1 (1),
par. 66,
re-enacted

- (6) Paragraph 66 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

66. "resident in Canada" means "resident in Canada" as that term is defined in the *Income Tax Act* (Canada).

1970-71,
c. 63 (Can.)

s. 1 (1),
par. 68,
re-enacted

- (7) Paragraph 68 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

68. "share" means a share or fraction thereof of the capital stock of a corporation.

s. 1 (1),
par. 76,
re-enacted

- (8) Paragraph 76 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

76. "taxable Canadian property" has the meaning given to that expression by subsection 1 of section 115 of the *Income Tax Act* (Canada) except that, for the purposes of section 2 the expression "taxable Canadian property" includes,

- i. a Canadian resource property, within the meaning given to that expression by subsection 12 of section 63, or any property that would have been a Canadian resource property, within the meaning given to that expression by subsection 12 of section 63, if it had been acquired after 1971,
- ii. a timber resource property,

- iii. an income interest in a trust resident in Canada, and
- iv. a right to a share of income or loss under an agreement referred to in clause *a* of subsection 1*a* of section 85.

(9) Subsection 1 of the said section 1 is further amended by ^{s. 1 (1), amended} adding thereto the following paragraphs:

- 83*a*. “timber resource property” has the meaning given to that expression by clause *da* of subsection 17 of section 17;
- 83*b*. “timber royalty” includes any consideration for a right under or pursuant to which a right to cut or take timber from a timber limit in Canada is obtained or derived, to the extent that such consideration is dependent upon, or computed by reference to, the amount of timber cut or taken.

2.—(1) Clause *b* of subsection 2 of section 2 of the said Act is ^{s. 2 (2) (b), re-enacted} repealed and the following substituted therefor:

- (*b*) owned real property, timber resource property or a timber limit in Ontario the income from which arose from the sale or rental thereof or is a royalty or timber royalty; or

.

(2) Clause *b* of subsection 3 of the said section 2 is ^{s. 2 (3) (b), re-enacted} repealed and the following substituted therefor:

- (*b*) owned real property, timber resource property or a timber limit in Ontario the income from which arose from the sale or rental thereof or is a royalty or a timber royalty and the corporation has elected to file a return of income under Part I of the *Income Tax Act* (Canada) pursuant to section 216 of that Act; or

^{1970-71, c. 63 (Can.)}

.

3. Section 3 of the said Act is repealed and the following sub- ^{s. 3, re-enacted}stituted therefor:

3. For the purposes of subsection 2 or 3 of section 2, a corporation “owned real property, timber resource property or a timber limit” if it had a legal, equitable or beneficial interest in the real property, timber resource property or timber limit. ^{Interpretation}

s. 16 (1) (b),
re-enacted

4.—(1) Clause *b* of subsection 1 of section 16 of the said Act is repealed and the following substituted therefor:

Amounts
receivable
in respect
of services,
etc.,
rendered

(b) any amount receivable by the corporation in respect of property sold or services rendered in the course of a business in the year, notwithstanding that the amount or any part thereof is not due until a subsequent year, unless the method adopted by the corporation for computing income from the business and accepted for the purpose of this Part does not require it to include any amount receivable in computing its income for a fiscal year unless it has been received in the year.

s. 16 (1),
amended

(2) Subsection 1 of the said section 16, as amended by the Statutes of Ontario, 1973, chapter 157, section 2, is further amended by striking out “and” at the end of clause *m*, by adding “and” at the end of clause *n* and by adding thereto the following clause:

Royalties,
etc., to be
included in
income

(o) any amount (other than an amount, referred to in clause *n* of subsection 1 of section 22, paid or payable by the corporation) receivable in the year or the fair market value of any property receivable (other than an amount of property receivable by Her Majesty in right of Canada for the use and benefit of a band or bands as defined in the *Indian Act* (Canada)) in the year by,

R.S.C. 1970,
c. I-6

- (i) Her Majesty in right of Canada or a province,
- (ii) an agent of Her Majesty in right of Canada or a province, or
- (iii) a corporation, commission or association that is controlled, directly or indirectly in any manner whatever, by Her Majesty in right of Canada or a province or by an agent of Her Majesty in right of Canada or a province,

as a royalty or an equivalent amount, tax (other than a tax or portion thereof that may reasonably be considered to be a municipal or school tax levied for the purpose of providing services in the immediate area of the property of the corporation), rental, bonus, levy or otherwise or as an amount, however described, that may reasonably be regarded as being in lieu of a royalty or an equivalent amount, tax, rental, bonus, levy or other amount, whether such royalty or equivalent amount, tax, rental,

bonus, levy or other amount is receivable pursuant to any other Act or a contract, that may reasonably be regarded as being in relation to,

(iv) the acquisition, development or ownership by a corporation of a Canadian resource property or a property that would have been a Canadian resource property if it had been acquired after 1971, or

(v) the production in Canada of,

(A) petroleum, natural gas or related hydrocarbons, or

(B) metal or industrial minerals to any stage that is not beyond the prime metal stage or its equivalent,

from an oil or gas well or mineral resource situated on property in Canada from which the corporation had, at the time of such production, a right to take or remove petroleum, natural gas or related hydrocarbons or a right to take or remove metal or industrial minerals.

(3) The said section 16 is amended by adding thereto the following subsections: s. 16,
amended

(3) Notwithstanding clause *c* of subsection 1 where the corporation is a bank, a credit union, a life insurance corporation, a trust company or any other corporation, other than a mutual fund corporation or a mortgage investment corporation, that borrows money from the public in the course of carrying on a business the principal purpose of which is the making of loans or whose principal business is the making of loans, there shall be included in computing its income from the business for a fiscal year interest accrued in respect of the year and interest receivable in the year to the extent that such interest was not included in computing the corporation's income for a previous fiscal year. Accrued
interest of
financial
corporations

(4) For the purposes of subsection 3, "trust company" means a corporation licensed or otherwise authorized under the laws of Canada or a province to carry on in Canada the business of offering to the public its services as trustee. Interpre-
tation

5. The said Act is amended by adding thereto the following section: s. 16a,
enacted

16a. Notwithstanding any other provision of this Act, where in a fiscal year a corporation receives any amount from Cash bonus
on Canada
Savings Bond

the Government of Canada in respect of a Canada Savings Bond as a cash bonus that the Government of Canada has undertaken to pay, other than any amount of interest, bonus or principal agreed at the time of the issue of the bond to be paid under the terms of the bond, the corporation shall, in computing its income for the year, include,

- (a) the amount, or such portion thereof, if any, as the corporation may report as interest; and
- (b) an amount equal to one-half of the amount, if any, by which,
 - (i) the amount received as a cash bonus, exceeds
 - (ii) the portion of the amount reported as interest under clause *a*, as a taxable capital gain for the year from the disposition of a property.

s. 17,
amended

6.—(1) Section 17 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 42, section 3, is further amended by adding thereto the following subsection:

Idem

(1*a*) Notwithstanding subsection 1, where in a fiscal year a timber resource property of a corporation has been disposed of, there shall be included in computing its income for the year the amount, if any, by which,

- (a) the proceeds of disposition thereof, exceeds
- (b) the undepreciated capital cost to it, immediately before the disposition, of depreciable property of a prescribed class in which the timber resource property was included.

s. 17 (2),
amended

(2) Subsection 2 of the said section 17 is amended:

- (a) by striking out “subsection 1” in the first, ninth, nineteenth, twenty-seventh and thirty-eighth lines, and inserting in lieu thereof in each instance “subsection 1 or 1*a*”; and
- (b) by striking out “subsection 1” in the sixth line and inserting in lieu thereof “subsections 1 and 1*a*”.

- (3) Subsection 3 of the said section 17 is repealed and the following substituted therefor: s. 17 (3),
re-enacted

(3) Where an amount that would otherwise be included in computing the income of a corporation for a fiscal year, hereinafter referred to as the “initial year”, by virtue of this section is, Insurance
and com-
pensation
proceeds

- (a) an amount receivable, in respect of loss or destruction of property of a prescribed class,

(i) under a policy of insurance, or

(ii) otherwise as compensation for the property so lost or destroyed; or

- (b) an amount receivable as compensation for property of a prescribed class taken under statutory authority or as the sale price of property sold to a person by whom notice of an intention to take it under statutory authority was given,

the following rule applies,

- (c) the amount shall, to the extent that it has been used by a corporation,

(i) before the end of the time certified by the Minister to be a reasonable time following the initial year, if the property so lost, destroyed, taken or sold was a vessel, or

(ii) before the end of the second fiscal year following the initial year if the property is not property referred to in subclause i,

to acquire, as a replacement for the property referred to in clause *a* or *b*, a property, in this section referred to as “replacement property”, of a prescribed class that has not been disposed of by the corporation before the time the property referred to in clause *a* or *b* was disposed of,

(iii) subject to subclause iv, not be included in computing the income of the corporation for the initial year, and

(iv) be deemed to be proceeds of disposition of a depreciable property of the corporation, that had a capital cost equal to the amount of those

proceeds and that was property of the same class as the replacement property, from a disposition made on the later of,

- (A) the time the replacement property was acquired, or
- (B) the time immediately after the time the property referred to in clause *a* or *b* was disposed of.

s. 17 (6), par. 5,
re-enacted

- (4) Paragraph 5 of subsection 6 of the said section 17 is repealed and the following substituted therefor:

5. Where a corporation has received or is entitled to receive a grant, subsidy, forgivable loan, investment allowance or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, other than an amount,

- i. authorized to be paid under an *Appropriation Act* (Canada) and on terms and conditions approved by the Minister in respect of scientific research expenditures incurred for the purpose of advancing and sustaining the technological capability of Canadian manufacturing or other industry, or
- ii. authorized to be paid under the *Industrial Research and Development Incentives Act* (Canada) or the *Area Development Incentives Act* (Canada) and approved by the Minister,

R.S.C. 1970,
c. I-10

1965,
c. 12 (Can.)

the capital cost of the property to the corporation shall be deemed to be the amount by which the aggregate of,

- iii. the capital cost thereof to the corporation, otherwise determined, and
- iv. such part, if any, of the assistance as has been repaid by the corporation pursuant to an obligation to repay all or any part of that assistance,

exceeds

- v. the amount of the assistance.

s. 17 (6),
amended

- (5) Subsection 6 of the said section 17 is amended by adding thereto the following paragraph:

6. Notwithstanding clause *f* of subsection 17,

- i. the undepreciated capital cost referred to in subclause ii of clause *c* of subsection 1 of section 46 shall be determined after giving effect to the disposition of the former property referred to in subsection 1 of section 46, and
- ii. the undepreciated capital cost, immediately before the time determined under sub-subclause B of subclause iv of clause *c* of subsection 3, of the class of property to which the replacement property referred to in clause *c* of subsection 3 belongs shall be determined after giving effect to,

(A) the disposition of the former property referred to in subsection 1 of section 46, and

(B) the reduction, referred to in clause *b* of subsection 1 of section 46, in the capital cost of that replacement property.

- (6) Clause *a* of subsection 11 of the said section 17 is amended <sup>s. 17 (11) (a),
amended</sup> by inserting after “before” in the fifth line “May” and by striking out “1974” in the twenty-eighth line and inserting in lieu thereof “1975”.
- (7) Subsection 14 of the said section 17 is amended by <sup>s. 17 (14),
amended</sup> striking out “expended” in the third line and inserting in lieu thereof “used”, by striking out “subclause iii of” in the third and fourth lines and by striking out “1974” in the seventh line and inserting in lieu thereof “1975”.
- (8) Subsection 15 of the said section 17 is amended by <sup>s. 17 (15),
amended</sup> striking out “1974” in the sixth line and inserting in lieu thereof “1975” and by striking out “1974” in the twenty-seventh line and inserting in lieu thereof “the 1st day of July, 1975”.
- (9) Subsection 16 of the said section 17 is amended by <sup>s. 17 (16),
amended</sup> striking out “1974” in the fifth line and in the twenty-fourth line and inserting in lieu thereof in each instance “1975”.
- (10) Subsection 17 of the said section 17 is amended by <sup>s. 17 (17),
amended</sup> adding thereto the following clause:

(*da*) “timber resource property” of a corporation means,

(i) a right or licence to cut or remove timber from a limit or area in Canada, in this clause referred to as an "original right", if,

(A) that original right was acquired by the corporation, other than in the manner referred to in subclause ii, after May 6, 1974, and

(B) at the time of the acquisition of the original right,

1. the corporation may reasonably be regarded as having acquired, directly or indirectly, the right to extend or renew that original right or to acquire another such right or licence in substitution therefor, or

2. in the ordinary course of events, the corporation may reasonably expect to be able to extend or renew that original right or to acquire another such right or licence in substitution therefor, or

(ii) any right or licence owned by the corporation to cut or remove timber from a limit or area in Canada if that right or licence may reasonably be regarded,

(A) as an extension or renewal of or as one of a series of extensions or renewals of an original right of the corporation, or

(B) as having been acquired in substitution for or as one of a series of substitutions for an original right of the corporation or any renewal or extension thereof.

s. 17 (17) (f),
amended

(11) Clause *f* of subsection 17 of the said section 17 is amended by,

(a) inserting after "property" in the first and second lines of subclause ii "other than a timber resource property"; and

(b) adding thereto the following subclause:

(iia) for each disposition before that time of a timber resource property of the corporation of that class, the lesser of,

(A) the proceeds of disposition of the property, and

(B) the undepreciated capital cost to it of property of that class immediately before the disposition.

7.—(1) Clause *n* of subsection 1 of section 22 of the said Act, ^{s. 22 (1) (n), re-enacted} as enacted by the Statutes of Ontario, 1974, chapter 75, section 2, is repealed and the following substituted therefor:

(*n*) any amount paid or payable in the year or the fair ^{Royalties} market value of any property paid or payable in the year (other than an amount or property paid or payable to Her Majesty in right of Canada for the use and benefit of a band or bands as defined in the *Indian Act* (Canada)) to, ^{R.S.C. 1970, c. I-6}

(i) Her Majesty in right of Canada or a province,

(ii) an agent of Her Majesty in right of Canada or a province, or

(iii) a corporation, commission, or association that is controlled, directly or indirectly in any manner whatever, by Her Majesty in right of Canada or a province or by an agent of Her Majesty in right of Canada or a province,

as a royalty or an equivalent amount, tax (other than a tax or portion thereof that may reasonably be considered to be a municipal or school tax levied for the purpose of providing services in the immediate area of the property of the corporation), rental, bonus, levy or otherwise or as an amount, however described, that may reasonably be regarded as being in lieu of a royalty or an equivalent amount, tax, rental, bonus, levy or other amount (whether such royalty or equivalent amount, tax, rental, bonus, levy or other amount is paid or payable pursuant to any other Act or a contract) that may reasonably be regarded as being in relation to,

(iv) the acquisition, development or ownership of a Canadian resource property, or a property

that would have been a Canadian resource property if it had been acquired after 1971, or

(v) the production in Canada of,

(A) petroleum, natural gas or related hydrocarbons, or

(B) metal or industrial minerals, to any stage that is not beyond the prime metal stage or its equivalent,

from an oil or gas well or mineral resource situated on property in Canada from which the corporation had, at the time of such production, a right to take or remove petroleum, natural gas or related hydrocarbons or a right to take or remove metal or industrial minerals.

s. 22 (3),
re-enacted

(2) Subsection 3 of the said section 22 is repealed and the following substituted therefor:

Meaning
of certain
expressions
in sub. 2

(3) In subsection 2,

(a) "interest on borrowed money used to acquire land" includes,

(i) interest paid or payable in a year in respect of borrowed money that cannot be identified with particular land but that may nonetheless reasonably be considered, having regard to all the circumstances, as interest on borrowed money used in respect of or for the acquisition of land, and

(ii) interest paid or payable in the year by a corporation in respect of borrowed money that may reasonably be considered, having regard to all the circumstances, to have been used to assist, directly or indirectly, another person with whom the corporation does not deal at arm's length to acquire land to be used or held by that person, otherwise than as described in clause *c* or *e* or subsection 2, except where the assistance is in the form of a loan to that person and a reasonable rate of interest thereon is charged by the corporation; and

(b) "land" does not, except to the extent that it is used for the provision of parking facilities for a fee or charge, include,

- (i) any property that is a building or other structure affixed to land,
- (ii) the land subjacent to any property described in subclause i, or
- (iii) such land immediately contiguous to the land described in subclause ii that is a parking area, driveway, yard, garden or similar land that is necessary for the use of any property described in subclause i.

(3) Subsection 5 of the said section 22, as amended by the Statutes of Ontario, 1973, chapter 157, section 4, is repealed and the following substituted therefor:

s. 22 (5),
re-enacted

(5) In subsection 4, "outstanding debts to specified non-residents" of a corporation at any particular time in a fiscal year means,

Meaning
of certain
expressions
in subs. 4

(a) the aggregate of amounts each of which is an amount outstanding at that time as or on account of a debt or other obligation to pay an amount,

(i) that was payable by the corporation to a person who was, at any time in the year,

(A) a shareholder of the corporation, who, either alone or together with persons with whom the shareholder was not dealing at arm's length, owned 25 per cent or more of the issued shares of any class of the corporation and who was,

1. a person not resident in Canada,
or

2. a non-resident-owned investment corporation, or

(B) a person described in paragraph 1 or 2 of sub-subclause A who was not dealing at arm's length, with a shareholder of the corporation, if the shareholder, either alone or together with persons with whom he was not dealing

at arm's length, owned 25 per cent or more of the issued shares of any class of the corporation, and

- (ii) on which any amount in respect of interest paid or payable by the corporation is or would be, but for subsection 4, deductible in computing the corporation's income for the year,

but does not include,

- (b) where the corporation is a subsidiary of a non-resident life insurance corporation, the aggregate of amounts each of which is an amount outstanding at that time as or on account of a debt or other obligation to pay an amount to the life insurance corporation and such debt or other obligation has, by virtue of an election made under subsection 9 of section 138 of the *Income Tax Act* (Canada), been included by the life insurance corporation in its fiscal year that included the particular time as property held by it in the year in the course of carrying on an insurance business in Canada and the life insurance corporation has included the revenue therefrom in computing its income for the year from carrying on an insurance business in Canada.

1970-71,
c. 63 (Can.)

s. 24 (1) (p),
amended

- 8.—(1) Clause *p* of subsection 1 of section 24 of the said Act is amended by striking out "receivable" in the fifth line and inserting in lieu thereof "due".

s. 24 (1) (*dd*),
re-enacted

- (2) Clause *dd* of subsection 1 of the said section 24 is repealed and the following substituted therefor:

Fees paid
to investment
counsel

- (*dd*) an amount other than a commission paid by the corporation in the fiscal year to a person,

- (i) for advice as to the advisability of purchasing or selling a specific share or security of the corporation, or

- (ii) for services in respect of the administration or management of shares or securities of the corporation,

if that person's principal business,

- (iii) is advising others as to the advisability of purchasing or selling specific shares or securities, or

- (iv) includes the provision of services in respect of the administration or management of shares or securities.

(3) Subsection 5 of the said section 24 is amended by inserting after "property" in the second line "other than a timber resource property". s. 24 (5), amended

(4) The said section 24, as amended by the Statutes of Ontario, 1973, chapter 42, section 5, 1973, chapter 157, section 5 and 1974, chapter 75, section 3, is further amended by adding thereto the following subsection: s. 24, amended

(5a) Where an amount that is owing to a corporation as or on account of the proceeds of disposition of a timber resource property of the corporation is established by it to have become a bad debt in a fiscal year, the amount so owing to the corporation may be deducted in computing its income for the fiscal year. Idem

(5) Subsection 6 of the said section 24 is amended by inserting after "property" in the first line "other than a timber resource property". s. 24 (6), amended

(6) The said section 24 is further amended by adding thereto the following subsection: s. 24, amended

(6a) Where a timber resource property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the corporation has, in a subsequent fiscal year, sold to a person with whom it was dealing at arm's length, there may be deducted in computing the income of the corporation for the subsequent fiscal year the amount, if any, by which the principal amount of the agreement for sale, mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the agreement for sale, mortgage or hypothec. Idem

(7) Subsection 9 of the said section 24 is repealed and the following substituted therefor: s. 24 (9), re-enacted

(9) Clause *p* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year from a business in respect of a property sold in the course of the business if the corporation, at the end of the fiscal year or at any time in the immediately following fiscal year, No deduction in respect of property in certain circumstances

(a) was exempt from tax under any provision of this Part; or

(b) ceased to have a permanent establishment in Canada.

s. 24 (10),
amended

(8) Subsection 10 of the said section 24 is amended by inserting after "the" in the sixth line "nine".

s. 24,
amended

(9) The said section 24 is further amended by adding thereto the following subsection:

Convention
expenses

(10a) Notwithstanding clause *b* of subsection 1 of section 22, there may be deducted in computing the income of a corporation for a fiscal year from a business an amount paid by the corporation in the fiscal year as or on account of expenses incurred by an employee or officer of the corporation in attending, in connection with the business, not more than two conventions held during the year by a business or professional organization at a location that may reasonably be regarded as consistent with the territorial scope of that organization.

s. 25 (2),
amended

9.—(1) Subsection 2 of section 25 of the said Act is amended by inserting after "development" in the second and third lines and in the fourth line "or the acquisition of property" and by striking out "and" in the fourth line and inserting in lieu thereof "or".

s. 25 (2) (a),
amended

(2) Clause *a* of subsection 2 of the said section 25 is amended by striking out "and" in the twelfth line and inserting in lieu thereof "or".

s. 25 (2) (b),
amended

(3) Clause *b* of subsection 2 of the said section 25 is amended by striking out "exploration, prospecting and development expenses" in the third line and inserting in lieu thereof "Canadian exploration and development expenses as defined in section 63".

s. 26 (2),
amended

10. Subsection 2 of section 26 of the said Act is amended by inserting after "shall", in the fourth line "subject to subsection 1 of section 66".

s. 27 (2),
repealed

11. Subsection 2 of section 27 of the said Act is repealed.

s. 35 (1) (a),
re-enacted

12.—(1) Clause *a* of subsection 1 of section 35 of the said Act is repealed and the following substituted therefor:

(a) the aggregate of,

(i) $1\frac{1}{2}$ per cent of the lesser of,

(A) the aggregate of,

1. each amount outstanding at the end of the fiscal year as or on account of the amortized cost of loans made by the corporation on the security of a mortgage, hypothec or agreement for sale of real property, or as or on account of the amortized cost of any such mortgage, hypothec or agreement for sale purchased by the corporation,
2. each amount due and unpaid at the end of the fiscal year as or on account of interest payable to the corporation under a mortgage, hypothec or agreement for sale of real property,
3. each amount that has been taken into account in computing the income of the corporation for the fiscal year as or on account of the value of real property of the corporation that was included in the inventory of the corporation at the end of the year and that was acquired, by foreclosure or otherwise, after default made under a mortgage, hypothec or agreement for sale of real property, otherwise than as or on account of the value of real property in respect of which any amount for the year has been included under paragraph 1 or 2, and
4. where the corporation is licensed or otherwise authorized under the laws of Canada or a province to carry on in Canada the business of offering to the public its services as trustee, each amount outstanding at the end of the fiscal year as or on ac-

count of the amortized cost of a bond or debenture (other than a bond or debenture that matures within one year after that time) owned by the corporation at that time and held by it in respect of money received by it in trust for investment subject to a guarantee by it in respect of the repayment of the principal or the payment of interest, or both, and each amount due and unpaid as or on account of interest payable in respect of such bond or debenture to the corporation, and

(B) \$2,000,000,000, and

- (ii) 1 per cent of the amount, if any, by which the aggregate referred to in sub-subclause A of subclause i exceeds the amount referred to in sub-subclause B of subclause i; and

.

s. 35,
amended

(2) The said section 35 is amended by adding thereto the following subsection:

Interpre-
tation

(3) In this section, “amortized cost” of a bond, debenture, mortgage, hypothec or agreement for sale at any time means the amount, if any, by which the aggregate of,

- (a) the cost to the corporation of acquiring the bond, debenture, mortgage, hypothec or agreement for sale; and
- (b) the portion of the amount, if any, by which,
 - (i) the principal amount of the bond, debenture, mortgage, hypothec or agreement for sale at the time it was acquired by the corporation,

exceeds

- (ii) the cost thereof to the corporation of acquiring it,

that was included in computing the income of the corporation for any fiscal year ending at or before that time,

exceeds the aggregate of,

(c) the portion of the amount, if any, by which,

(i) the cost to the corporation of acquiring the bond, debenture, mortgage, hypothec or agreement for sale,

exceeds

(ii) the principal amount thereof at the time it was acquired by the corporation,

that was deducted in computing the income of the corporation for any fiscal year ending at or before that time; and

(d) the aggregate of all amounts that, before that time, the corporation became entitled to receive as or on account or in lieu of payment of or in satisfaction of the principal amount of the bond, debenture, mortgage, hypothec or agreement for sale.

13.—(1) Clause *a* of subsection 1 of section 39 of the said Act is <sup>s. 39 (1) (a),
amended</sup> amended by striking out “all expenditures of a current nature made in Canada in the fiscal year” in the first and second lines and inserting in lieu thereof “such amounts as may be claimed by the corporation not exceeding all expenditures of a current nature made in Canada by the corporation in the fiscal year or in any previous fiscal year ending after 1973”.

(2) Subsection 1 of section 39 is amended by striking out <sup>s. 39 (1),
amended</sup> all that portion thereof following subclause ii of clause *b* and inserting in lieu thereof the following:

(c) such amounts as may be claimed by the corporation not exceeding all expenditures in the fiscal year or in any previous fiscal year ending after 1973 by way of repayment of amounts paid to the corporation under an *Appropriation Act* (Canada) and on terms and conditions approved by the Minister in respect of scientific research expenditures incurred for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry,

exceeds

- (d) the aggregate of all amounts paid to the corporation in the fiscal year or in any previous fiscal year ending after 1973 under an *Appropriation Act* (Canada) and on terms and conditions described in clause c,

to the extent that such expenditures were not deducted in computing the income of the corporation for any previous fiscal year.

s. 41 (1) (a),
amended

- 14.** Clause *a* of subsection 1 of section 41 of the said Act is amended by striking out “or” at the end of subclause ii, by striking out “and” at the end of subclause iii and inserting in lieu thereof “or” and by adding thereto the following subclause:

- (iv) a timber resource property; and

s. 42 (2) (a),
re-enacted

- 15.—(1)** Clause *a* of subsection 2 of section 42 of the said Act is repealed and the following substituted therefor:

- (a) subclause iii of clause *a* of subsection 1 does not apply to permit a corporation to claim any amount thereunder in computing a gain for a fiscal year if,

- (i) the corporation, at the end of the fiscal year or at any time in the immediately following fiscal year, ceased to have a permanent establishment in Canada or was exempt from tax under any provision of this Part, or

- (ii) the purchaser of the property sold is a corporation that, immediately after the sale,

- (A) was controlled directly or indirectly by the corporation,

- (B) was controlled directly or indirectly by a person or group of persons by whom the corporation was controlled directly or indirectly, or

- (C) controlled the corporation directly or indirectly.

s. 42 (3) (b),
re-enacted

- (2)** Clause *b* of subsection 3 of the said section 42 is repealed and the following substituted therefor:

- (b) the aggregate of,

- (i) the cost to the corporation of the property determined for the purpose of computing the adjusted cost base to it of that property at that time, and
- (ii) all amounts required by subsection 1 of section 55 to be added to the cost to the corporation of the property in computing the adjusted cost base to it of that property at that time,

16. Section 45 of the said Act is amended by inserting after ^{s. 45, amended} "gain" in the first line "or loss".

17. Section 46 of the said Act is repealed and the following ^{s. 46, re-enacted} substituted therefor:

46.—(1) Where in a fiscal year an amount has become ^{Deferral of gain on involuntary disposition} receivable, as described in subsection 2, by a corporation as proceeds of disposition described in subclause iii or iv of clause *d* of subsection 17 of section 17 or subclause iii or iv of clause *i* of section 56 of any capital property, in this section referred to as its "former property", and, before the end of the second fiscal year following the fiscal year in which such amount became receivable, the corporation has acquired a capital property, in this section referred to as its "replacement property", as a replacement for the former property and the replacement property has not been disposed of by the corporation prior to the time it disposed of the former property, notwithstanding subsection 1 of section 42,

(a) the gain, if any, from the disposition of the former property is the lesser of,

- (i) the gain therefrom otherwise determined, and
 - (ii) the amount, if any, by which the proceeds of disposition of the former property exceed the cost, or in the case of depreciable property the capital cost, to the corporation, determined without reference to clause *b*, of the replacement property;
- (b) the cost, or in the case of depreciable property the capital cost, to the corporation of the replacement property, at any time after the time it disposed of the former property, shall be deemed to be the cost, or in the case of depreciable property the

capital cost, to the corporation of the replacement property otherwise determined, minus the amount, if any, by which the gain described in subclause i of clause *a* exceeds the amount, if any, determined under subclause ii of clause *a*; and

(c) where the replacement property was depreciable property of a prescribed class and that property was acquired by the corporation prior to the time it disposed of the former property, the amount, if any, by which,

(i) the reduction in the capital cost to it of the replacement property by virtue of clause *b*,

exceeds

(ii) the undepreciated capital cost to the corporation of depreciable property of the class to which the replacement property belongs, immediately before the reduction in the capital cost referred to in subclause i,

shall be included in computing the income of the corporation for the fiscal year in which the former property was disposed of and shall, for the purposes of subsection 2 of section 17 be deemed to have been so included by virtue of subsection 1 of section 17 in respect of a disposition of depreciable property of the class to which the replacement property belongs.

Idem

(2) For the purposes of this Act, the day on which a corporation has disposed of a property, the proceeds of disposition from which are described in subclause iii or iv of clause *d* of subsection 17 of section 17 or subclause iii or iv of clause *i* of section 56, and the day on which an amount has become receivable by that corporation as proceeds of disposition of such a property shall be deemed to be the earliest of,

(a) the day the corporation has agreed to an amount as full compensation to it for the property lost, destroyed, taken or sold;

(b) where a claim, suit, appeal or other proceeding has been taken before one or more tribunals or courts of competent jurisdiction, the day on which the corporation's compensation for the property is finally determined by such tribunals or courts;

- (c) where a claim, suit, appeal or other proceeding, referred to in clause *b* has not been taken before a tribunal or court of competent jurisdiction within two years of the loss, destruction or taking of the property, the day that is two years following the day of the loss, destruction or taking;
- (d) the day on which the corporation is deemed by section 50 to have disposed of the property; and
- (e) where the corporation is not a subsidiary corporation referred to in subsection 1 of section 82, the day immediately before the winding up of the corporation,

and the corporation shall be deemed to have owned the property continuously until the day so determined.

18. Subsection 2 of section 47 of the said Act is amended by <sup>s. 47 (2),
amended</sup> inserting after “where” in the first line “subclause i of”.

19. Section 51 of the said Act, as amended by the Statutes of <sup>s. 51,
amended</sup> Ontario, 1973, chapter 157, section 11, is further amended by adding thereto the following subsection:

(5) Where a corporation has granted an option, in this ^{Idem} subsection referred to as the “original option”, to which subsection 1 or 2 applies, and has granted one or more extensions or renewals of that original option,

- (a) for the purposes of subsections 1 and 2, the granting of each extension or renewal shall be deemed to be the granting of an option at the time the extension or renewal is granted;
- (b) for the purposes of subsections 2, 3 and 4 and subclause D of subclause ii of clause *c* of section 56, the original option and each extension or renewal thereof shall be deemed to be the same option; and
- (c) subsection 4 shall be read as if the fiscal year in which the original option was granted and each fiscal year in which any extension or renewal thereof was granted were all initial fiscal years.

20. Section 53 of the said Act, as amended by the Statutes of <sup>s. 53,
re-enacted</sup> Ontario, 1973, chapter 157, section 12, is repealed and the following substituted therefor:

Convertible
properties

53. Where shares of one class of the capital stock of a corporation have, after the 6th day of May, 1974, been acquired by a person in exchange for a capital property of the person that was a share, bond, debenture or note of the corporation, in this section referred to as a “convertible property”, the terms of which conferred upon the holder the right to make the exchange and no consideration was received by the person for the convertible property other than shares of that class,

- (a) the exchange shall be deemed not to have been a disposition of property; and
- (b) the cost to the person of the shares shall be deemed to be the adjusted cost base to him of the convertible property immediately before the exchange.

s. 54 (1),
amended

21.—(1) Subsection 1 of section 54 of the said Act is amended by inserting after “1971” in the second line “(other than property acquired as described in subsection 2, 3 or 6)”.

s. 54 (1a),
amended

(2) Subsection 1a of the said section 54, as enacted by the Statutes of Ontario, 1973, chapter 157, section 13, is amended by inserting after “1971” in the third line “(other than property acquired as described in subsection 2, 3 or 6)”.

s. 55 (1) (c),
amended

22.—(1) Clause *c* of subsection 1 of section 55 of the said Act is amended by striking out “loan” in the fifth line and inserting in lieu thereof “a loan or, subject to subsection 1a, a disposition of property in respect of which the corporation and that other corporation have made an election under section 79”.

s. 55 (1),
amended

(2) Subsection 1 of the said section 55, as amended by the Statutes of Ontario, 1973, chapter 157, section 14, is further amended by adding thereto the following clauses:

(ca) where the property is a share of the capital stock of a foreign affiliate of the corporation, any amount required by paragraph *a* of subsection 1 of section 92 of the *Income Tax Act* (Canada) to be added in computing the adjusted cost base to it of the share;

(cb) where the property is a capital interest of the corporation in a trust to which paragraph *d* of subsection 1 of section 94 of the *Income Tax Act* (Canada) applies, any amount required by paragraph *a* of subsection 5 of section 94 of that Act

1970-71, c. 63
(Can.)

to be added in computing the adjusted cost base to it of the interest.

- (3) Subclause i of clause *d* of subsection 1 of the said section <sup>s. 55 (1) (d) (i),
amended</sup> 55 is amended by inserting after “share” in the fourth line, “other than a share under an agreement referred to in subsection 1*a* of section 85,”.
- (4) Sub-subclause B of subclause i of clause *d* of subsection <sup>s. 55 (1)
(d) (i) (B),
re-enacted</sup> 1 of the said section 55 is repealed and the following substituted therefor:
- (B) clause *b* of subsection 1 of section 31*a*,
clause *b* of subsection 2 of section 31*a*,
clause *h* of this subsection, section 57
and subsection 2 of section 75.
- (5) Clause *d* of subsection 1 of the said section 55 is amended <sup>s. 55 (1) (d),
amended</sup> by striking out “and” at the end of subclause iii, by adding “and” at the end of subclause iv and by adding thereto the following subclauses:
- (v) the corporation’s share, other than a share under an agreement referred to in subsection 1*a* of section 85, of the amount, if any, by which,
- (A) any proceeds of disposition that become receivable by the partnership in respect of the disposition after 1971 of a property owned by the partnership on the 31st day of December, 1971 that is a property referred to in subsection 3 of section 59,
- exceeds
- (B) the relevant percentage as defined in subsection 4 of section 59 of the proceeds of disposition described in sub-subclause A, and
- (vi) any amount deemed by clause *c* of subsection 1 of section 87*a* to be a gain of the corporation for a fiscal year from a disposition before that time of the property.
- (6) Section 55 of the said Act, as amended by the Statutes <sup>s. 55,
amended</sup> of Ontario 1973, chapter 157, section 14, is further amended by adding thereto the following subsection:

Deemed
contribution
of capital

(1a) For the purposes of clause *c* of subsection 1, where there has been a disposition of property before the 7th day of May, 1974, and,

- (a) the corporation and the other corporation referred to in that clause have made an election under section 79 in respect of that property; and
- (b) the consideration received by the corporation for the property did not include shares of the capital stock of the other corporation,

the disposition of property shall be deemed to be a contribution of capital equal to the amount, if any, by which,

- (c) the amount that the corporation and the other corporation have agreed upon in the election,

exceeds

- (d) the fair market value at the time of the disposition of any consideration received by the corporation for the property so disposed of.

s. 55 (2),
amended

- (7) Subsection 2 of the said section 55, as amended by the Statutes of Ontario, 1973, chapter 157, section 14, is further amended by adding thereto the following clauses:

1970-71,
c. 63 (Can.)

- (aa) where the property is a share of the capital stock of another corporation not resident in Canada, any amount required by paragraph *d* of subsection 4 of section 80.1 of the *Income Tax Act* (Canada) or section 92 of that Act to be deducted in computing the adjusted cost base to the corporation of the share;
- (ab) where the property is a capital interest of the corporation in a trust to which paragraph *d* of subsection 1 of section 94 of the *Income Tax Act* (Canada) applies, any amount required by paragraph *b* of subsection 5 of section 94 of that Act to be deducted in computing the adjusted cost base to it of the interest.

s. 55 (2) (b) (i),
amended

- (8) Subclause i of clause *b* of subsection 2 of the said section 55 is amended by inserting after "share" in the fourth line "(other than a share under an agreement referred to in subsection 1a of section 85)".

s. 55 (2) (b) (ii),
amended

- (9) Subclause ii of clause *b* of subsection 2 of the said section 55 is amended by striking out all that portion

immediately preceding sub-subclause B and inserting in lieu thereof the following:

- (ii) an amount in respect of each fiscal year of the partnership ending after 1971 and before that time, other than a fiscal year after the fiscal year in which the corporation ceased to be a member of the partnership, equal to the corporation's share of the aggregate of,

- (A) amounts that, but for clause *d* of subsection 1 of section 85, would be deductible in computing the income of the partnership for the fiscal year by virtue of the provisions of *The Corporations Tax Application Rules, 1972* relating to Canadian exploration and development expenses, and

.

- (10) Subclause iv of clause *b* of subsection 2 of the said section 55 is amended by inserting after "share" in the fourth line "(other than a share under an agreement referred to in subsection 1*a* of section 85)". s. 55 (2) (b) (iv),
amended

- (11) Subsection 2 of the said section 55 is further amended by adding thereto the following clause: s. 55 (2),
amended

- (*ea*) where the property is a share of the capital stock of a joint exploration corporation (hereafter in this clause referred to as the "company") resident in Canada and the corporation has, after 1971, made a contribution of capital to the company otherwise than by way of a loan, which contribution was included in computing the adjusted cost base of the property by virtue of clause *c* of subsection 1, such portion of the contribution as may reasonably be considered to be part of an agreed portion, within the meaning given to that expression by clause *a* of subsection 12 of section 63, of the company's Canadian exploration and development expenses.

- (12) Clauses *h* and *i* of subsection 2 of the said section 55 are repealed and the following substituted therefor: s. 55 (2) (*h*, *i*),
re-enacted

- (*h*) where the property is a capital interest in a trust, other than a unit trust, not resident in Canada

that was purchased after 1971 by the corporation from a non-resident person at a time when the fair market value of such of the trust property as was,

- (i) a Canadian resource property,
- (ii) property that would have been a Canadian resource property if it had been acquired after 1971,
- (iii) an income interest in a trust resident in Canada,
- (iv) taxable Canadian property, or
- (v) a timber resource property,

was not less than 50 per cent of the aggregate of,

- (vi) the fair market value of all the trust property, and
- (vii) the amount of any money of the trust on hand,

that proportion of the amount, if any, by which,

- (viii) the fair market value at that time of such of the trust property as was property described in subclauses i to v,

exceeds

- (ix) the aggregate of the adjusted cost bases to the trust at that time of such of the trust properties as were properties described in subclauses i to v,

that the fair market value at that time of the interest is of the fair market value at that time of all capital interests in the trust;

- (i) where the property is a unit of a unit trust not resident in Canada that was purchased after 1971 by the corporation from a non-resident person at a time when the fair market value of such of the trust property as was,

- (i) a Canadian resource property,

- (ii) property that would have been a Canadian resource property if it had been acquired after 1971,
- (iii) an income interest in a trust resident in Canada,
- (iv) taxable Canadian property, or
- (v) a timber resource property,

was not less than 50 per cent of the aggregate of,

- (vi) the fair market value of all the trust property, and
- (vii) the amount of any money of the trust on hand,

that proportion of the amount, if any, by which,

- (viii) the fair market value at that time of such of the trust property as was property described in subclauses i to v,

exceeds

- (ix) the aggregate of the adjusted cost bases to the trust at that time of such of the trust properties as were properties described in subclauses i to v,

that the fair market value at that time of the unit is of the fair market value at that time of all of the issued units of the trust.

- (13) Clause *j* of subsection 2 of the said section 55 is repealed s. 55 (2) (*j*),
re-enacted and the following substituted therefor:

- (*j*) where the property was acquired by the corporation after 1971, the amount, if any, by which,

- (i) the amount of any assistance which it has received or is entitled to receive before that time from a government, municipality or other public authority, in respect of, or for the acquisition of, the property, whether as a grant, subsidy, forgivable loan, investment allowance or as any other form of assistance other than,

(A) an amount authorized to be paid under an *Appropriation Act* (Canada) and on terms and conditions approved by the Minister in respect of scientific research expenditures incurred for the purpose of advancing and sustaining the technological capability of Canadian manufacturing or other industry, or

(B) an amount deducted as an allowance under section 62,

exceeds

(ii) such part, if any, of the assistance referred to in subclause i as has been repaid before that time by the corporation pursuant to an obligation to repay all or any part of that assistance.

s. 55 (2),
amended

(14) Subsection 2 of the said section 55 is further amended by striking out “and” at the end of clause *l*, by adding “and” at the end of clause *m* and by adding thereto the following clause:

(*n*) where the property is a foreign resource property, any amount that has become receivable by the corporation at a particular time in a fiscal year as the result of a transaction that occurred after the 6th day of May, 1974, in which the consideration given by the corporation for the amount was property or services, the original cost of which may reasonably be regarded as having been foreign exploration and development expenses of the corporation, or would have been so regarded if they had been incurred by it after 1971.

s. 56 (c) (iii),
amended

23.—(1) Subclause iii of clause *c* of section 56 of the said Act is amended by striking out “clause *v*” in the fourth line and inserting in lieu thereof “subclause *v*”.

s. 56 (e),
amended

(2) Clause *e* of the said section 56 is amended by adding “and” at the end of subclause iii and by adding thereto the following subclause:

(iv) any annual payment made by the corporation for the preservation of a foreign resource property or property that would have been a foreign resource property if it had been acquired by the corporation after 1971.

- (3) Clause *i* of the said section 56 is amended by striking <sup>s. 56 (i),
amended</sup> out all that portion following subclause viii and inserting in lieu thereof the following:

but notwithstanding any other provision of this Part, does not include,

(ix) any amount that would otherwise be proceeds of disposition of a share to the extent that such amount is deemed by subsection 2 or 3 of section 78 to be a dividend, or

(x) any amount that would otherwise be proceeds of disposition of a debt owing to a corporation to the extent that such amount,

(A) is deemed by subsection 1 of section 78*a* to be a dividend received by the corporation, and

(B) is a taxable dividend; and

.

- (4) Subclause ii of clause *j* of the said section 56 is repealed <sup>s. 56 (j) (ii),
re-enacted</sup> and the following substituted therefor:

(ii) at the end of the period referred to in subclause i, the person or the corporation controlled by him, as the case may be, owned in any manner whatever the substituted property,

.

- (5) Subclause iii of clause *j* of the said section 56 is amended <sup>s. 56 (j) (iii),
amended</sup> by inserting after "section 50" in the first line "section 52 or subsection 1 of section 47".

- 24.** Clause *f* of subsection 1 of section 58 of the said Act is <sup>s. 58 (1) (f),
re-enacted</sup> repealed and the following substituted therefor:

(*f*) amounts received by the corporation in the fiscal <sup>Legal
costs</sup> year as legal costs awarded to it by a court on an appeal in relation to,

(i) an assessment of tax, interest or penalties under this Act or the *Income Tax Act* <sup>1970-71,
c. 63 (Can.)</sup> (Canada), or

1970-71-72,
c. 48 (Can.)

- (ii) a decision of the Unemployment Insurance Commission, a board of referees or an umpire under the *Unemployment Insurance Act, 1971* (Canada),

if with respect to that assessment or decision, as the case may be, an amount has been deducted or may be deductible under clause *b* of subsection 1 of section 60 in computing its income.

s. 59 (1),
amended

- 25.—**(1) Subsection 1 of section 59 of the said Act is amended by striking out “in a fiscal year” in the first line and by striking out the five lines immediately preceding subsection 2 and inserting in lieu thereof “the corporation’s proceeds of disposition therefrom shall be included in computing the corporation’s income for the fiscal year, to the extent that the proceeds become receivable in that year”.

s. 59 (3),
re-enacted

- (2) Subsection 3 of the said section 59 is repealed and the following substituted therefor:

Disposition
of resource
property
acquired
before 1972

(3) Where a corporation has made a disposition of property owned, or deemed to have been owned, by it on the 31st day of December, 1971 and thereafter without interruption until the date of disposition that is property described in any of subclauses i to vi of clause *c* of subsection 12 of section 63 and is not property described in clause *b* of subsection 1, the following rules apply,

- (a) the relevant percentage of the corporation’s proceeds of disposition therefrom shall be included in computing the corporation’s income for the fiscal year to the extent that the proceeds become receivable; and
- (b) where the corporation and the person who acquired the property were not dealing with each other at arm’s length, for the purposes of this section and section 63,
 - (i) the cost to that person of the property shall be deemed to be the amount included in the corporation’s income by virtue of clause *a* in respect of the disposition by the corporation of the property, and
 - (ii) when that person subsequently disposes of the property or any right or interest therein, that person shall be deemed to have owned

the property on the 31st day of December, 1971 and thereafter without interruption until the disposition thereof.

- (3) Subsection 4 of the said section 59 is amended by ^{s. 59 (4), amended} striking out “clauses *b* and *c* of subsection 3” in the first line and inserting in lieu thereof “this section” and by striking out “any amount receivable as consideration for the” in the second and third lines and inserting in lieu thereof “proceeds of”.

- (4) Subsection 5 of the said section 59 is repealed and the ^{s. 59 (5), re-enacted} following substituted therefor:

(5) In this section, “disposition” and “proceeds of disposition” have the meanings given to those expressions by ^{“disposition” and “proceeds of disposition”} section 56.

- 26.** Clause *b* of subsection 1 of section 60 of the said Act is ^{s. 60 (1) (b), re-enacted} repealed and the following substituted therefor:

(*b*) amounts paid by the corporation in the fiscal year ^{Expenses of objection or appeal} in respect of fees or expenses incurred in preparing, instituting or prosecuting an objection to, or an appeal in relation to,

(i) an assessment of tax, interest or penalties under this Act or the *Income Tax Act* ^{1970-71, c. 63 (Can.)} (Canada), or

(ii) a decision of the Unemployment Insurance Commission, a board of referees or an umpire under the *Unemployment Insurance Act*, ^{1970-71-72, c. 48 (Can.)} 1971 (Canada).

- 27.—**(1) Subsection 1 of section 61 of the said Act is amended by ^{s. 61 (1), amended} striking out “receivable” in the thirteenth line and in the fifteenth line and inserting in lieu thereof in each instance “due”.

- (2) Clause *a* of subsection 1 of the said section 61 is amended ^{s. 61 (1) (a), amended} by inserting after “59” in the first line “or clause *d* of subsection 10*b* of section 63”.

- 28.—**(1) Subsection 2 of section 63 of the said Act is amended by ^{s. 63 (2), amended} inserting after “year” in the ninth line “and before the 7th day of May, 1974”.

- (2) Clause *b* of subsection 3*a* of the said section 63, as ^{s. 63 (3*a*) (b), amended} enacted by the Statutes of Ontario, 1974, chapter 75,

section 5, is amended by striking out "section" in the fourth line and inserting in lieu thereof "subsection".

s. 63 (3a)
(b) (ii),
amended

- (3) Subclause ii of clause *b* of subsection 3a of the said section 63 is amended by striking out "section 100" in the second line and inserting in lieu thereof "sections 100 and 100a".

s. 63 (5),
amended

- (4) Subsection 5 of the said section 63 is amended by striking out "acquired from another principal-business corporation" in the third and fourth lines and inserting in lieu thereof "acquired, by purchase or otherwise, including an acquisition as the result of an amalgamation described in subsection 1 of section 81, from another principal-business corporation".

s. 63 (6),
amended

- (5) Subsection 6 of the said section 63 is amended by striking out "acquired from a corporation" in the third line and inserting in lieu thereof "acquired by purchase or otherwise, including an acquisition as a result of an amalgamation described in subsection 1 of section 81, from another corporation".

s. 63 (10),
re-enacted

- (6) Subsection 10 of the said section 63, as amended by the Statutes of Ontario 1974, chapter 75, section 5, is repealed and the following substituted therefor:

Limitation

(10) Except as otherwise provided in this section, where a corporation has incurred an outlay or expense in respect of which a deduction from income is authorized under more than one provision of this section, the corporation is not entitled to make the deduction under more than one provision but is entitled to select the provision under which to make the deduction.

s. 63,
amended

- (7) The said section 63, as amended by the Statutes of Ontario, 1973, chapter 157, section 17, and 1974, chapter 75, section 5, is further amended by adding thereto the following subsection:

Unitized
oil or gas
field in
Canada

(10b) Where, pursuant to an agreement between a corporation and another person to unitize an oil or gas field in Canada, an amount has become receivable by the corporation at a particular time after the 6th day of May, 1974 from that other person in respect of Canadian exploration and development expenses incurred by the corporation, or expenses that would have been Canadian exploration and development expenses if they had been incurred by it after 1971, in respect of that field or any part thereof, the following rules apply,

- (a) there shall, at that time, be included in computing the corporation's income for the fiscal year the amount that became receivable by it; and
 - (b) there shall, at that time, be included by the other person, where that person is a corporation, in its drilling or exploration expense the amount that became payable by that corporation.
- (8) Subclause i of clause *a* of subsection 12 of the said section 63 is amended by striking out "iii" in the first line and inserting in lieu thereof "ii". s. 63 (12) (a) (i),
amended
- (9) Clause *b* of subsection 12 of the said section 63, as amended by the Statutes of Ontario, 1973, chapter 157, section 17, is further amended by striking out "and" at the end of subclause iv, by adding "and" at the end of subclause v and by adding thereto the following subclause: s. 63 (12) (b),
amended
- (va) any annual payment made by the corporation for the preservation of a Canadian resource property or property that would have been a Canadian resource property if it had been acquired by the corporation after 1971,
-
- (10) Subclause vi of clause *c* of subsection 12 of the said section 63 is repealed and the following substituted therefor: s. 63 (12)
(c) (vi),
re-enacted
- (vi) any right to or interest in any property, other than property of a trust, described in any of subclauses i to v, including a right to receive proceeds of disposition in respect of a disposition thereof.
- (11) Clause *d* of subsection 12 of the said section 63 is repealed and the following substituted therefor: s. 63 (12) (d),
re-enacted
- (d) "drilling or exploration expense" incurred on or in respect of exploring or drilling for petroleum or natural gas includes any expense incurred on or in respect of,
 - (i) drilling or converting a well for the disposal of waste liquids from a petroleum or natural gas well,
 - (ii) drilling for water or gas for injection into a petroleum or natural gas formation, or

- (iii) drilling or converting a well for the injection of water or gas to assist in the recovery of petroleum or natural gas from another well.

s. 63 (12) (f),
amended

- (12) Clause *f* of subsection 12 of the said section 63 is amended by striking out “or” at the end of subclause v, by striking out “and” at the end of subclause vi and inserting in lieu thereof “or” and by adding thereto the following subclause:

- (vii) production or marketing of sodium chloride or potash, or whose business includes manufacturing products the manufacturing of which involves processing sodium chloride or potash; and

.

s. 66 (5),
re-enacted

- 29.** Subsection 5 of section 66 of the said Act is repealed and the following substituted therefor:

Idem

(5) Where in a fiscal year of a corporation property of the corporation has been appropriated in any manner whatever to, or for the benefit of, a shareholder, on the winding up of the corporation, the following rules apply,

- (a) for the purpose of computing the corporation's income for the fiscal year,

- (i) it shall be deemed to have sold each such property immediately before the winding up and to have received therefor the fair market value thereof at that time, and

- (ii) clause *c* of subsection 2 of section 42 shall not apply in computing the loss, if any, from the sale of any such property;

- (b) the shareholder shall be deemed to have acquired the property at a cost equal to its fair market value immediately before the winding up; and

- (c) subsections 1, 1*a* and 2 of section 54 are not applicable for the purposes of determining the cost to the shareholder of the property.

Idem

(6) Where a corporation that operates an oil or gas well or a mineral resource in Canada disposes of any petroleum, natural gas or related hydrocarbons or metal or industrial minerals produced in the operation of such well or resource to,

- (a) Her Majesty in right of Canada or a province;

- (b) an agent of Her Majesty in right of Canada or a province; or
- (c) a corporation, commission or association that is controlled, directly or indirectly in any manner whatever, by Her Majesty in right of Canada or a province or by an agent of Her Majesty in right of Canada or a province,

for no proceeds of disposition or for proceeds of disposition less than the fair market value thereof at the time the corporation so disposes of it, the corporation shall be deemed to have received proceeds of disposition therefor equal to that fair market value determined, in circumstances where the corporation is required by a law or contract to so dispose thereof, without regard to that law or contract.

(7) Where a corporation that operates an oil or gas well ^{Idem} or a mineral resource in Canada acquires any petroleum, natural gas or related hydrocarbons or metal or industrial minerals produced in the operation of such well or resource from,

- (a) Her Majesty in right of Canada or a province;
- (b) an agent of Her Majesty in right of Canada or a province; or
- (c) a corporation, commission or association that is controlled, directly or indirectly in any manner whatever, by Her Majesty in right of Canada or a province or by an agent of Her Majesty in right of Canada or a province,

for an amount in excess of the fair market value thereof at the time the corporation so acquired the petroleum, natural gas or related hydrocarbons or metal or industrial minerals, the corporation shall be deemed to have acquired the petroleum, natural gas or related hydrocarbons or metal or industrial minerals at that fair market value determined, in circumstances where the corporation is required by a law or contract to so acquire the petroleum, natural gas or related hydrocarbons or metal or industrial minerals, without regard to that law or contract.

(8) For the purposes of subsection 6, the fair market value at the time of disposition of a unit of any particular quantity of petroleum, natural gas or related hydrocarbons or metal or industrial minerals disposed of by the corporation referred to in that subsection to a person referred to in any of clauses *a* to *c* of that subsection shall be deemed to be the amount by which,

Fair market
value of
resource
output
disposed of
to Crown

- (a) the average proceeds of disposition that became receivable in the month that included that time by that person for the disposition of a like unit from a person other than a person referred to in any of clauses *a* to *c* of subsection 6,

exceeds

- (b) the average aggregate of all expenses, including depreciation, incurred by that person in respect of that month for each such unit that may reasonably be attributed to transmitting, transporting, marketing or processing thereof to the extent that such expenses are reasonable and necessary and do not include any cost of acquisition thereof.

Fair market value of resource output acquired from Crown

(9) For the purposes of subsection 7, the fair market value of a unit of any particular quantity of petroleum, natural gas or related hydrocarbons or metal or industrial minerals acquired by the corporation referred to in that subsection from a person referred to in any of clauses *a* to *c* of that subsection shall be deemed to be equal to the amount, if any, paid or payable by the corporation to that person in respect of that unit.

Certain persons deemed to be the same person

(10) For the purposes of subsection 8, where a person referred to in any of clauses *a* to *c* of subsection 6 disposes of a unit of any particular quantity of petroleum, natural gas or related hydrocarbons or metal or industrial minerals to another person referred to in any of those clauses, those persons shall be deemed to be the same person.

s. 67 (4), re-enacted

30.—(1) Subsection 4 of section 67 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 157, section 18, is repealed and the following substituted therefor:

Debt deemed not to be income debt
R.S.C. 1970,
c. G-16

(4) Where a cash purchase ticket or other form of settlement prescribed pursuant to the *Canada Grain Act* or by the Minister is issued to a corporation in respect of grain delivered in a fiscal year of a corporation to a primary elevator or process elevator and such ticket or other form of settlement entitles the holder thereof to payment by the operator of the elevator of the purchase price, without interest, stated in the ticket for the grain at a date that is after the end of that fiscal year, the amount of the purchase price stated in the ticket or other form of settlement shall, notwithstanding any other provision of this section, be included in computing the income of the corporation to which the ticket or other form of settlement was issued for its fiscal year immediately

following the fiscal year in which the grain was delivered and not for the fiscal year in which the grain was delivered.

- (2) Subsection 5 of the said section 67, as enacted by the ^{s. 67 (5), amended} Statutes of Ontario, 1973, chapter 157, section 18, is amended by striking out “and ‘primary elevator’ ” in the second line and inserting in lieu thereof “ ‘primary elevator’ and ‘process elevator’ ”.

- 31.** Clause *a* of section 68 of the said Act is repealed and the follow- ^{s. 68 (a), re-enacted} ing substituted therefor:

- (a) the terms of the bond for which it was exchanged conferred upon the holder thereof the right to make the exchange; and
-

- 32.** Section 74*a* of the said Act, as enacted by the Statutes of ^{s. 74*a*, amended} Ontario, 1973, chapter 157, section 20, is amended by striking out “except paragraphs *c* and *d* of subsection 4 thereof” in the eleventh line.

- 33.** The said Act is further amended by adding thereto the following ^{s. 74*b*, enacted} section:

74*b*. Where pursuant to a contract between a corporation and another person, in this section referred to as the “payee”, any amount is paid or payable by the corporation or any property is transferred by the corporation to the payee as reimbursement in respect of any amount paid or payable referred to in clause *n* of subsection 1 of section 22 or the fair market value of any property paid or payable referred to in that clause by the payee to any of the persons referred to in any of subclauses *i* to *iii* of clause *n* of subsection 1 of section 22, for the purposes of this Act the following rules apply,

- (a) the corporation shall be deemed to have paid the amount or property, as the case may be, to a person or persons referred to in any of those subclauses;
- (b) the payee shall, to the extent of that reimbursement, be deemed not to have paid an amount or property, as the case may be;
- (c) the payee shall be deemed not to have received any reimbursement from the corporation; and
- (d) clause *o* of subsection 1 of section 16 shall not apply in respect of the amount or property paid or payable, as the case may be.

s. 75 (1) (c),
amended

34.—(1) Clause *c* of subsection 1 of section 75 of the said Act is amended by striking out “by it” in the second line.

s. 75 (2) (b),
amended

(2) Clause *b* of subsection 2 of the said section 75 is amended by adding thereto the following subclause:

- (iii) “income derived from the operation of a mine” includes the income of a corporation from the processing, to the primary metal stage or its equivalent, of ore from a mineral resource owned by the corporation.

s. 78 (7),
amended

35. Subsection 7 of section 78 of the said Act is amended by inserting after “section” in the first line “or section 78*a*”.

s. 78*a*,
enacted

36. The said Act is further amended by adding thereto the following section:

Deemed
dividend
on repay-
ment of
debt

78*a*.—(1) Where, at any time before a particular time and after the 18th day of November, 1974, a corporation incurred any debt as consideration for the purchase of shares of the capital stock of a second corporation and,

(*a*) at any time before the debt was incurred, any particular person, or the group of persons to whom the debt was owed at the time it was incurred,

- (i) controlled the second corporation, directly or indirectly in any manner whatever, or

- (ii) beneficially owned shares of the capital stock of the second corporation representing more than 50 per cent of its paid-up capital; and

(*b*) at any time before the particular time, the particular person or group of persons referred to in clause *a*,

- (i) controlled the corporation, directly or indirectly in any manner whatever,

- (ii) beneficially owned shares of the capital stock of the corporation representing more than 50 per cent of its paid-up capital, or

- (iii) held an amount of debt payable by the corporation that exceeded the paid-up capital of the corporation, at a time when shares of the capital stock of the corporation representing more than 50 per cent of its paid-up capital were beneficially owned by,

- (A) that particular person,
- (B) that group of persons,
- (C) persons related to the particular person or any member of the group of persons, or
- (D) any combination of persons referred to in sub-subclause A, B or C,

the following rules apply,

- (c) where the corporation has, at the particular time, made any payment on account of that debt, or any other debt substituted for that debt,

- (i) a dividend shall be deemed to have been paid by the corporation at the particular time equal to the lesser of,

- (A) the amount of that payment, and

- (B) the amount, if any, by which,

- 1. the aggregate of the payment referred to in sub-subclause A and all payments made before the particular time on account of that debt, or any other debt substituted therefor,

exceeds

- 2. the debt limit of the corporation in respect of that debt,

- (ii) a dividend shall be deemed to have been received at the particular time, by each person who received any portion of that payment, equal to that proportion of the dividend so deemed to have been paid by the corporation at that time that the portion of that payment received by that person is of the amount of that payment, and

- (iii) section 77, except clause c of subsection 1 of section 77, shall be applicable to the dividend referred to in subclause i as though the persons referred to in subclause ii were shareholders of a class of shares of the capital stock of the corporation; and

(*d*) where any portion of that debt or any debt substituted for that debt, is converted into shares of the capital stock of the corporation, an amount equal to the lesser of,

(i) the portion of that debt, or any debt substituted for that debt, that was so converted, and

(ii) the amount, if any, by which,

(A) the amount of the debt owed by the corporation at the time it was incurred,

exceeds

(B) the debt limit of the corporation in respect of that debt,

shall be added to the aggregate of the amounts determined under subclause *iva* of clause *d* of subsection 1 of section 83 at any time after the time of the conversion.

Debt limit
defined

(2) For the purposes of this section, the “debt limit” of a corporation in respect of any debt incurred by it as consideration for the purchase of shares of the capital stock of a second corporation shall be the amount, if any, by which,

(*a*) the amount of the debt owed by the corporation at the time it was incurred,

exceeds

(*b*) the amount if any, by which the aggregate of,

(i) the amount of the debt owed by the corporation at the time it was incurred, and

(ii) the fair market value, at the time the debt was incurred, of any other consideration, other than shares of the capital stock of the corporation, given by the corporation for the purchase of the shares of the capital stock of the second corporation,

exceeds the lesser of,

(iii) the paid-up capital limit of the second corporation at the time the debt was incurred, and

- (iv) the paid-up capital, at the time the debt was incurred, of the shares of the capital stock of the second corporation so purchased.

37. The said Act is further amended by adding thereto the following section: s. 78b,
enacted

- 78b. Where a corporation has at any particular time before July, 1976, notified the Minister in writing that it wishes, Special
rules
relating to
shares
issued or
debt
incurred
before
November 19,
1974
- (a) to have subclause *iva* of clause *d* of subsection 1 of section 83 apply to all shares, if any, issued by it before the 19th day of November, 1974; and
 - (b) to have section 78a apply to all debt, if any, incurred by it before the 19th day of November, 1974,

the following rules apply,

- (c) subsection 6 of section 83 shall not apply for the purposes of computing the paid-up capital deficiency of the corporation at any time after the particular time;
- (d) section 78a shall be read without reference to “and after the 18th day of November, 1974”;
- (e) the amount of any dividend that the corporation would, by virtue of clause *c* of subsection 1 of section 78a, be deemed to have paid in respect of payments, before the particular time, of or on account of any debt incurred by the corporation prior to the 19th day of November, 1974, or any debt substituted for that debt, shall be deemed to be nil;
- (f) subclause *iii* of clause *b* of subsection 2 of section 78a shall be read as “the paid-up capital limit of the second corporation at the time the debt was incurred or on the 18th day of November, 1974, where that day is later”; and
- (g) subclause *iv* of clause *b* of subsection 2 of section 78a shall be read as “the paid-up capital, at the time the debt was incurred, of the shares of the second corporation so purchased” (on the assumption that clause *c* of subsection 1 of section 83 applied at that time).

38.—(1) Subsection 1 of section 79 of the said Act, as amended s. 79 (1),
amended by the Statutes of Ontario, 1973, chapter 157, section 21,

is further amended by striking out all that portion thereof immediately preceding clause *a* and inserting in lieu thereof the following:

(1) Where a person has, after the 6th day of May, 1974, disposed of any property that was a capital property (other than real property or an option in respect thereof owned by a non-resident person), an eligible capital property, an inventory other than real property or a property referred to in subsection 2 of section 59 of the person to a Canadian corporation for consideration including shares of the capital stock of the corporation, if the person and the corporation, have jointly so elected in prescribed form and within the prescribed time, the following rules apply:

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s. 79 (1),
amended

(2) Subsection 1 of the said section 79 is further amended by adding thereto the following clause:

(*ca*) where the property was inventory or capital property (other than depreciable property of a prescribed class) of the person and the amount that the person and the corporation have agreed upon in their election in respect of the property is less than the lesser of,

- (i) the fair market value of the property at the time of the disposition, and
- (ii) the cost amount to the person of the property at the time of the disposition,

the amount so agreed upon shall, irrespective of the amount actually so agreed upon by them, be deemed to be an amount equal to the lesser of the amounts described in subclauses i and ii.

s. 79 (1) (*d*),
amended

(3) Clause *d* of subsection 1 of the said section 79 is amended by striking out “and notwithstanding clauses *b* and *c*” in the fourteenth line.

s. 79 (1) (*e*),
amended

(4) Clause *e* of subsection 1 of the said section 79 is amended by striking out “and notwithstanding clauses *b* and *c*” in the fourteenth line.

s. 79 (1),
amended

(5) Subsection 1 of the said section 79 is further amended by adding thereto the following clauses:

(*ea*) where two or more properties, each of which is a property described in clause *d* or each of which is a property described in clause *e*, are disposed of at

the same time, clause *d* or *e*, as the case may be, applies as if each property so disposed of had been separately disposed of in the order designated by the person before the time prescribed for the filing of an election in respect of those properties or, if the person does not so designate any such order, in the order designated by the Minister;

(*eb*) where the fair market value of the property at the time of the disposition exceeds the greater of,

- (i) the fair market value at the time of the disposition of the consideration received by the person for the property disposed of by him, and
- (ii) the amount that the person and the corporation have agreed upon in their election in respect of the property, determined without reference to this clause,

and it is reasonable to regard any portion of such excess as a gift made by the person to or for the benefit of any other shareholder of the corporation, the amount that the person and the corporation have agreed upon in their election in respect of the property shall, irrespective of the amount actually so agreed upon by them, be deemed (except for the purposes of clauses *g* and *h*) to be an amount equal to the aggregate of,

- (iii) the amount referred to in subclause ii, and
 - (iv) the portion of such excess that may reasonably be regarded as a gift made by the person to or for the benefit of any other shareholder of the corporation;
- (*ec*) where, under any of clauses *ca*, *d* and *e*, the amount that the person and the corporation have agreed upon in their election in respect of the property, in this clause referred to as "the elected amount", would, subject to clause *c*, be deemed to be an amount that is greater or less than the amount that would be deemed to be the elected amount under clause *b*, the elected amount shall be deemed to be the greater of,
- (i) the amount deemed by clause *ca*, *d* or *e*, as the case may be, to be the elected amount, and

- (ii) the amount deemed by clause *b* to be the elected amount.

s. 79 (1) (*i*),
re-enacted

- (6) Clause *i* of subsection 1 of the said section 79 is repealed and the following substituted therefor:

- (*i*) where the property so disposed of is taxable Canadian property of the person, all of the shares of the capital stock of the Canadian corporation received by him as consideration therefor shall be deemed to be taxable Canadian property of the person.

s. 79 (2),
re-enacted

- (7) Subsection 2 of the said section 79, as amended by the Statutes of Ontario, 1973, chapter 157, section 21, is repealed and the following substituted therefor:

Transfer of
property to
corporation
from
partnership

- (2) Where, after the 6th day of May, 1974,

- (*a*) a partnership has disposed of any partnership property that was a capital property (other than real property or an interest therein owned by a partnership that was not a Canadian partnership at the time of the disposition), an eligible capital property, an inventory other than real property or a property referred to in subsection 2 of section 59 of the partnership to a Canadian corporation for consideration, including shares of the capital stock of the corporation; and

- (*b*) the corporation and all the members of the partnership have jointly so elected in prescribed form and in prescribed time,

clauses *a* to *i* of subsection 1 and subsection 1*a* are applicable in respect of the disposition *mutatis mutandis* as if the partnership were a person resident in Canada who had disposed of the property to the corporation.

s. 79 (2*a*),
repealed

- (8) Subsection 2*a* of the said section 79, as enacted by the Statutes of Ontario, 1973, chapter 157, section 21, is repealed.

s. 79 (4),
re-enacted

- (9) Subsection 4 of the said section 79 is repealed and the following substituted therefor:

Where
loss from
disposition
of property
to controlled
corporation

- (4) Where a person or a partnership has, after May 6, 1974, disposed of any capital property or eligible capital property of the person or partnership to a corporation that, immediately after the disposition, was controlled, directly or indirectly in any manner whatever, by the person or partner-

ship, or where the person is an individual by the spouse of such person, or by another person or group of persons by whom the person or partnership was controlled, directly or indirectly in any manner whatever and, but for this subsection, subsection 2 of section 28 and clauses *c* and *e* of subsection 2 of section 42, the person or partnership would have had a capital loss therefrom or a deduction pursuant to clause *a* of subsection 1 of section 28 in computing the income of the person or partnership for the fiscal year in which the person or partnership ceased to carry on a business, as the case may be, the following rules apply,

- (a) notwithstanding section 28 and clauses *c* and *e* of subsection 2 of section 42, the capital loss therefrom of the person or partnership, or the deduction pursuant to clause *a* of subsection 1 of section 28 in computing the income of the person or partnership for the fiscal year in which the person or partnership ceased to carry on the business, as the case may be, otherwise determined shall be deemed to be nil; and
- (b) in computing the adjusted cost base to the person or partnership of all shares of any particular class of the capital stock of the corporation owned by the person or partnership immediately after the disposition, there shall be added, in the case of capital property, the amount that is equal to, and in the case of eligible capital property, twice the amount that is equal to, that proportion of the amount, if any, by which,
 - (i) the cost amount to the person or partnership immediately before the disposition, of the property so disposed of,

exceeds

- (ii) the proceeds to the person or partnership of disposition of the property or where the property was an eligible capital property, the eligible capital amount for the person or partnership, within the meaning assigned by section 18, as a result of the disposition of that property,

that

- (iii) the fair market value, immediately after the disposition, of all shares of that class so owned by the person or partnership,

is of

- (iv) the fair market value, immediately after the disposition, of all shares of the capital stock of the corporation so owned by the person or partnership.

s. 79a,
enacted

39. The said Act is further amended by adding thereto the following section:

Share for
share
exchange

79a.—(1) Where shares of any particular class of the capital stock of a Canadian corporation, in this section referred to as the “purchaser”, have, after the 6th day of May, 1974, been acquired by a person, in this section referred to as the “vendor”, from the purchaser in exchange for capital property of the vendor that is shares of any particular class of the capital stock, in this section referred to as the “exchanged shares”, of another corporation, in this section referred to as the “acquired corporation”, subject to subsection 2, the following rules apply,

- (a) except where the vendor has, in his return of income for the fiscal year in which the exchange occurred, included in computing his income for that year any portion of the gain or loss, otherwise determined, from the disposition of the exchanged shares, the vendor shall be deemed,

- (i) to have disposed of the exchanged shares for proceeds of disposition equal to the adjusted cost base to him of those shares immediately before the exchange, and
 - (ii) to have acquired the shares of the purchaser at a cost to him equal to the adjusted cost base to him of the exchanged shares immediately before the exchange,

and where the exchanged shares were taxable Canadian property of the vendor, the shares of the purchaser so acquired by him shall be deemed to be taxable Canadian property of the vendor; and

- (b) the cost to the purchaser of each exchanged share, at any particular time up to and including the time he disposed of such share, shall be deemed to be,
 - (i) its fair market value immediately before the exchange if, at the particular time or at any earlier time after the exchange, the purchaser owned shares of the capital stock of the acquired corporation,

(A) to which are attached not less than 10 per cent of all the votes that could then be cast for any and all purposes by holders of all shares of the capital stock of the acquired corporation, and

(B) that represent not less than 10 per cent of the fair market value of all issued and outstanding shares of the capital stock of the acquired corporation, and

(ii) in any other case, nil.

(2) Subsection 1 does not apply where,

Where subs. 1
not to apply

(a) the vendor and purchaser were, immediately before the exchange, not dealing with each other at arm's length;

(b) the vendor or persons with whom he did not deal at arm's length, or the vendor together with persons with whom he did not deal at arm's length,

(i) controlled, directly or indirectly in any manner whatever, the purchaser, or

(ii) beneficially owned shares of the capital stock of the purchaser representing more than 50 per cent of its paid-up capital,

immediately after the exchange;

(c) the vendor and the purchaser have filed an election under subsection 1 or 2 of section 79 with respect to the exchanged shares; or

(d) consideration other than shares of the particular class of the capital stock of the purchaser was received by the vendor for the exchanged shares, notwithstanding that the vendor may have disposed of shares of the capital stock of the acquired corporation, other than the exchanged shares, to the purchaser for consideration other than shares of one class of the capital stock of the purchaser.

(3) Where a person has disposed of capital property that was shares of the capital stock of a foreign affiliate of the person to any corporation that was, immediately following the disposition, a foreign affiliate of the person (in this sub-

Disposition
of shares
of foreign
affiliate

1970-71,
c. 63 (Can.)

section referred to as the “acquiring affiliate”) for consideration including shares of the capital stock of the acquiring affiliate, the provisions of subsection 3 of section 85.1 of the *Income Tax Act* (Canada) apply for the purposes of this Act.

s. 80,
re-enacted

40. Section 80 of the said Act is repealed and the following substituted therefor:

Exchanges of
shares by a
shareholder
in course of
reorganiza-
tion of
capital

80.—(1) Where, at a particular time after the 6th day of May, 1974, in the course of a reorganization of the capital of a corporation, a person has disposed of capital property that was all the shares of any particular class of the capital stock of the corporation that were owned by him at the particular time, in this section referred to as the “old shares”, and property is receivable from the corporation therefor that includes other shares of the capital stock of the corporation, in this section referred to as the “new shares”, the following rules apply,

- (a) the cost to the person of any property (other than shares of the capital stock of the corporation) receivable by him for the old shares shall be deemed to be its fair market value at the time of the disposition;
- (b) the cost to the person of any new shares of any class of the capital stock of the corporation receivable by him for the old shares shall be deemed to be that proportion of the amount, if any, by which the aggregate of the adjusted cost bases to him, immediately before the disposition, of the old shares exceeds the fair market value at that time of the consideration receivable therefor (other than shares of the capital stock of the corporation) that,
 - (i) the fair market value, immediately after the disposition, of those new shares of that class,is of,
 - (ii) the fair market value, immediately after the disposition, of all new shares of the capital stock of the corporation receivable by him for the old shares; and
- (c) the person shall be deemed to have disposed of the old shares for proceeds of disposition equal to the cost to him of all new shares and other property receivable by him for the old shares.

(2) This section is not applicable in any case where section 53 or any of subsections 1 to 3 of section 79 are applicable. Application

41.—(1) Clauses *a*, *b* and *c* of subsection 1 of section 81 of the said Act are repealed and the following substituted therefor: s. 81 (1) (a-c),
re-enacted

- (a) all of the property (except amounts receivable from any predecessor corporation or shares of the capital stock of any predecessor corporation) of the predecessor corporations immediately before the merger becomes property of the new corporation by virtue of the merger;
- (b) all of the liabilities (except amounts payable to any predecessor corporation) of the predecessor corporations immediately before the merger become liabilities of the new corporation by virtue of the merger; and
- (c) all of the shareholders (except any predecessor corporation) of the predecessor corporations immediately before the merger receive shares of the capital stock of the new corporation by virtue of the merger,

.

(2) Clause *c* of subsection 2 of the said section 81 is repealed and the following substituted therefor: s. 81 (2) (c),
re-enacted

- (c) in computing the income of the new corporation for a fiscal year from a business or property, Method
adopted for
computing
income
 - (i) there shall be included any amount received or receivable (depending upon the method followed by the new corporation in computing its income for that year) by it in that year that would, if it had been received or receivable (depending upon the method followed by the predecessor corporation in computing its income for its last fiscal year) by the predecessor corporation in its last fiscal year, have been included in computing the income of the predecessor corporation for that year, and
 - (ii) there may be deducted any amount paid or payable (depending upon the method followed by the new corporation in computing

its income for that year) by it in that year that would, if it had been paid or payable (depending upon the method followed by the predecessor corporation in computing its income for its last fiscal year) by the predecessor corporation in its last fiscal year, have been deductible in computing the income of the predecessor corporation for that year.

s. 81 (2),
amended

- (3) Subsection 2 of the said section 81, as amended by the Statutes of Ontario, 1973, chapter 157, section 22, is further amended by adding thereto the following clause:

Depreciable
property
acquired
from
predecessor
corporation

- (*da*) for the purposes of this Act, where depreciable property, other than property of a prescribed class, has been acquired by the new corporation from a predecessor corporation, the new corporation shall be deemed to have acquired the property before 1972 at an actual cost equal to the actual cost thereof to the predecessor corporation, and the new corporation shall be deemed to have been allowed the aggregate of all amounts allowed to the predecessor corporation in respect of the property, under regulations made under clause *a* of subsection 1 of section 24, in computing the income of the predecessor corporation.

s. 81 (2) (*k*),
re-enacted

- (4) Clause *k* of subsection 2 of the said section 81 is repealed and the following substituted therefor:

Scientific
research

- (*k*) for the purposes of section 39,

- (i) an amount equal to the aggregate of all amounts each of which is the amount of an expenditure referred to in clause *a* of subsection 1 of section 39 made by a predecessor corporation shall, to the extent that it was not deducted by the predecessor corporation in computing its income for a fiscal year, be deemed to be an expenditure of a current nature on scientific research made in Canada by the new corporation in its first fiscal year,
- (ii) an amount equal to the aggregate of all amounts each of which is the amount of an expenditure referred to in subclause i of clause *b* of subsection 1 of section 39 made by a predecessor corporation shall, to the extent that it was not deducted by the

predecessor corporation in computing its income for a fiscal year, be deemed to be an expenditure of a capital nature on scientific research made in Canada by the new corporation in its first fiscal year,

- (iii) an amount equal to the aggregate of all amounts each of which is the amount of an expenditure referred to in clause *c* of subsection 1 of section 39 made by a predecessor corporation shall, to the extent that it was not deducted by a predecessor corporation in computing its income for a fiscal year, be deemed to be an expenditure incurred by the new corporation in its first fiscal year by way of repayment of an amount paid to the new corporation under an *Appropriation Act* (Canada), and on terms and conditions described in clause *c* of subsection 1 of section 39, and
- (iv) an amount equal to the aggregate of all amounts each of which is an amount paid to a predecessor corporation referred to in clause *d* of subsection 1 of section 39 shall be deemed to be an amount paid to the new corporation in its first fiscal year under an *Appropriation Act* (Canada) and on terms and conditions described in clause *c* of subsection 1 of section 39;
- (ka) if the amalgamation was after the 6th day of May, 1974 and a property of a predecessor corporation was lost, destroyed or taken under statutory authority prior to the amalgamation, sections 17 and 46 apply to the new corporation as though,
 - (i) the new corporation had been in existence and owned that property at the time it was so lost, destroyed or taken,
 - (ii) the cost or capital cost, as the case may be, of that property to the new corporation were its cost or capital cost, as the case may be, to the predecessor corporation, and
 - (iii) where the predecessor corporation had acquired a replacement property for that property before the amalgamation, the new corporation had acquired that replacement property immediately after the amalgamation.

Property
lost,
destroyed
or taken

s. 81 (2) (p),
amended

(5) Clause *p* of subsection 2 of the said section 81 is amended by inserting after “time” in the third line “after the amalgamation”.

s. 81 (2) (q),
amended

(6) Clause *q* of subsection 2 of the said section 81 is amended by striking out all that portion thereof immediately preceding subclause i and inserting in lieu thereof the following:

1971 capital
surplus on
hand and
paid-up
capital
deficiency

(q) for the purpose of computing the 1971 capital surplus on hand or the paid-up capital deficiency, as the case may be, of the new corporation at any time after the amalgamation, there shall be added to the aggregate of the amounts determined under subclause iv of clause *l* of subsection 1 of section 83, the amount, if any, by which,

.

s. 81 (2) (r),
amended

(7) Clause *r* of subsection 2 of the said section 81 is amended by striking out all that portion thereof immediately preceding subclause i and inserting in lieu thereof the following:

Idem

(r) for the purpose of computing the 1971 capital surplus on hand or the paid-up capital deficiency, as the case may be, of the new corporation at any time after the amalgamation, there shall be added to the aggregate of the amounts determined under subclause iii of clause *d* of subsection 1 of section 83 the amount, if any, by which,

.

s. 81 (2),
amended

(8) Subsection 2 of the said section 81 is further amended by adding thereto the following clause:

Idem

(ra) for the purpose of computing the 1971 capital surplus on hand or the paid-up capital deficiency, as the case may be, of the new corporation at any time after the amalgamation, there shall be added to the aggregate of the amounts determined under subclause iii of clause *d* of subsection 1 of section 83 the amount, if any, by which,

(i) the paid-up capital of the new corporation immediately after the amalgamation,

exceeds

(ii) the aggregate of amounts each of which is the paid-up capital in respect of a share

(except a share held by any other predecessor corporation) of the capital stock of a predecessor corporation immediately before the amalgamation.

- (9) Clause *s* of subsection 2 of the said section 81 is amended <sup>s. 81 (2) (s),
amended</sup> by striking out “vii” in the fourth line and inserting in lieu thereof “xiv”.
- (10) Subsection 2 of the said section 81 is further amended <sup>s. 81 (2),
amended</sup> by adding thereto the following clause:
- (sa) where one or more shares of the capital stock <sup>Shares of
foreign
affiliate</sup> of a foreign affiliate of a predecessor corporation have, by virtue of the amalgamation, been acquired by the new corporation and as a result thereof the affiliate has become a foreign affiliate of the new corporation, the provisions of paragraph *u* of subsection 2 of section 87 of the *Income Tax Act* (Canada) <sup>1970-71,
c. 63 (Can.)</sup> apply for the purposes of this Act.
- (11) Clause *w* of subsection 2 of the said section 81 is repealed <sup>s. 81 (2) (w),
re-enacted</sup> and the following substituted therefor:
- (w) for the purpose of computing, at any particular <sup>Capital
dividend
account</sup> time after the amalgamation, the capital dividend account for a new corporation that has been a private corporation continuously from the time of the amalgamation to the particular time, there shall be added the amount of the capital dividend account of any predecessor corporation immediately before the amalgamation.
- (12) Clause *a* of subsection 3 of the said section 81 is amended <sup>s. 81 (3) (a),
amended</sup> by striking out “subclauses i to iv” in the eighth line and inserting in lieu thereof “subclause iii”.
- (13) Subsection 4 of the said section 81, as amended by the <sup>s. 81 (4),
re-enacted</sup> Statutes of Ontario, 1973, chapter 157, section 22, is repealed and the following substituted therefor:

(4) Where there has been an amalgamation of two or <sup>Shares of
predecessor
corporation</sup> more corporations after the 6th day of May, 1974, each shareholder (except any predecessor corporation) who, immediately before the amalgamation, owned shares of the capital stock of a predecessor corporation (in this subsection referred to as the “old shares”) that were capital property to him and who received no consideration for the disposition of those shares on the amalgamation, other than shares of the capital stock of the new corporation (in this section referred to as the “new shares”) shall be deemed,

- (a) to have disposed of the old shares for proceeds equal to the aggregate of the adjusted cost bases to him of those shares immediately before the amalgamation; and
- (b) to have acquired the new shares of any particular class of the capital stock of the new corporation at a cost to him equal to that proportion of the proceeds described in clause *a* that,
 - (i) the fair market value, immediately after the amalgamation, of all new shares of that particular class so acquired by him;

is of

- (ii) the fair market value, immediately after the amalgamation, of all new shares so acquired by him,

and where the old shares were taxable Canadian property of the shareholder, the new shares shall be deemed to be taxable Canadian property of the shareholder.

s. 81 (5),
re-enacted

- (14) Subsection 5 of the said section 81, as re-enacted by the Statutes of Ontario, 1973, chapter 157, section 22, is repealed and the following substituted therefor:

Options to
acquire
shares of
predecessor
corporation

(5) Where there has been an amalgamation of two or more corporations after the 6th day of May, 1974, each person, except any predecessor corporation, who immediately before the amalgamation owned a capital property that was an option to acquire shares of the capital stock of a predecessor corporation, in this subsection referred to as the "old option", and who received no consideration for the disposition of that option on the amalgamation, other than an option to acquire shares of the capital stock of the new corporation, in this subsection referred to as the "new option", shall be deemed,

- (a) to have disposed of the old option for proceeds equal to the adjusted cost base to him of that option immediately before the amalgamation; and
- (b) to have acquired the new option at a cost to him equal to the proceeds described in clause *a*,

and where the old option was taxable Canadian property of the person, the new option shall be deemed to be taxable Canadian property of the person.

- (15) Subsection 6 of the said section 81 is repealed and the following substituted therefor: s. 81 (6), re-enacted

(6) Notwithstanding subsection 7, where there has been an amalgamation of two or more corporations after the 6th day of May, 1974, each person, except any predecessor corporation, who immediately before the amalgamation owned a capital property that was a bond, debenture, mortgage, note or other similar obligation of a predecessor corporation, in this subsection referred to as the "old property", and who received no consideration for the disposition of the old property on the amalgamation other than a bond, debenture, mortgage, note or other similar obligation respectively, of the new corporation, in this subsection referred to as the "new property", shall, if the amount payable to the holder of the new property on its maturity is the same as the amount that would have been payable to the holder of the old property on its maturity, be deemed, Obligations of predecessor corporation

- (a) to have disposed of the old property for proceeds equal to the adjusted cost base to him of that property immediately before the amalgamation; and
- (b) to have acquired the new property at a cost to him equal to the proceeds described in clause *a*.

(7) Where there has been an amalgamation of two or more corporations after the 6th day of May, 1974 and, Idem

- (a) a debt or other obligation of a predecessor corporation, other than any such debt or other obligation owed to any other predecessor corporation, was outstanding immediately before the amalgamation and became a debt or other obligation, as the case may be, of the new corporation on the amalgamation; and
- (b) the amount payable by the new corporation on the maturity of the debt or other obligation, as the case may be, is the same as the amount that would have been payable by the predecessor corporation on its maturity,

the provisions of this Act,

- (c) shall not apply in respect of the transfer of such debt or other obligation to the new corporation; and

- (d) shall apply as if the new corporation had incurred or issued the debt or other obligation at the time it was incurred or issued by the predecessor corporation.

Merger of
foreign
affiliate

(8) Where there has been a merger of a foreign affiliate of a person, in this subsection referred to as a "predecessor affiliate", and one or more other corporations to form one corporate entity that, immediately after the merger, is a foreign affiliate of the person and such merger is not as a result of the acquisition of property of one corporation by another corporation, pursuant to the purchase of such property by the other corporation, or as a result of the distribution of such property to another corporation upon the winding up of the predecessor affiliate, the provisions of subsection 8 of section 87 of the *Income Tax Act* (Canada) apply for the purposes of this Act.

1970-71,
c. 63 (Can.)

s. 82 (1),
amended

42.—(1) Subsection 1 of section 82 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 23, is further amended by striking out all that portion thereof immediately preceding clause *b* and inserting in lieu thereof the following:

Winding up
of wholly-
owned
Canadian
corporation

(1) Where a Canadian corporation, in this section referred to as the "subsidiary", has been wound up after the 6th day of May, 1974 and all of the issued shares of the capital stock thereof were, immediately before the winding up, owned by another Canadian corporation, in this section referred to as the "parent", notwithstanding any other provisions of this Act, the following rules apply,

- (a) subject to clause *aa*, each property of the subsidiary that was distributed to the parent on the winding up shall be deemed to have been disposed of by the subsidiary for proceeds equal to,

(i) in the case of any property described in subsection 2 of section 59, nil,

(ii) in the case of any eligible capital property, an amount equal to twice the cost amount to the subsidiary of such property immediately before the winding up, and

(iii) in the case of any other property, the cost amount to the subsidiary of the property immediately before the winding up;

(aa) each property of the subsidiary that was distributed to the parent on the winding up shall, for

the purpose of subclause ii or xiv of clause *l* of subsection 1 of section 83, be deemed not to have been disposed of.

- (2) Subclause ii of clause *b* of subsection 1 of the said section 82, as amended by the Statutes of Ontario, 1973, chapter 157, section 23, is further amended by striking out “minus any subsequent deduction from that adjusted cost base that is required by subsection 2 of section 55 to be made as a result of the deemed dividend referred to in clause *e*” in the amendment of 1973. s. 82 (1) (b) (ii),
amended
- (3) Clause *d* of subsection 1 of the said section 82 is amended by striking out all that portion immediately preceding subclause ii and inserting in lieu thereof the following: s. 82 (1) (d),
amended

(*d*) the amount determined under this clause in respect of each property that was a capital property, other than a depreciable property, of the subsidiary is such portion of the amount, if any, by which the aggregate determined under subclause ii of clause *b* exceeds the aggregate of,

(i) the amount, if any, by which,

(A) the aggregate of amounts each of which is an amount in respect of any property owned by the subsidiary immediately before the winding up, equal to the cost amount to the subsidiary of the property immediately before the winding up, plus the amount of any money of the subsidiary on hand immediately before the winding up,

exceeds the aggregate of,

(B) all amounts each of which is the amount of any debt owing by the subsidiary, or of any other obligation of the subsidiary to pay any amount, that was outstanding immediately before the winding up, and

(C) the amount of any reserve, other than a reserve referred to in clause *p* of subsection 1 of section 24, subclause iii of clause *a* of subsection 1 of section 42 or subsection 1 of section 61, deducted in computing the subsidiary's

income for its fiscal year during which its assets were distributed to the parent on the winding up,

(ia) the amount of the subsidiary's tax-paid undistributed surplus on hand at the time it was wound up, and

(ib) the amount of the subsidiary's 1971 capital surplus on hand at the time it was wound up,

as is designated by the parent in respect of that capital property in its return of income under this Part for its fiscal year in which the subsidiary was so wound up, except that,

s. 82 (1) (e),
re-enacted

(4) Clause *e* of subsection 1 of the said section 82, as amended by the Statutes of Ontario, 1973, chapter 157, section 23, is repealed and the following substituted therefor:

(e) subsection 2 of section 78 and section 21 of *The Corporations Tax Application Rules, 1972* are not applicable to the winding up of the subsidiary;

(ea) the subsidiary may, for the purpose of computing its income for its fiscal year during which its assets were transferred to the parent on the winding up, claim any reserve that would have been allowed under this Part if its assets had not been transferred to the parent on the winding up and notwithstanding any other provision of this Part, no amount shall be included in respect of any reserve so claimed in computing the income of the subsidiary for its fiscal year, if any, following the year in which its assets were transferred to the parent;

(eb) the provisions of clauses *c*, *da*, *g* to *sa*, *v* and *w* of subsection 2 of section 81 and, subject to section 69, subsection 7 of section 81 apply to the winding up as if the references therein to,

(i) "amalgamation" were read as "winding up",

(ii) "predecessor corporation" were read as "subsidiary",

(iii) "new corporation" were read as "parent",

- (iv) "its first fiscal year" were read as "its fiscal year during which it received the assets of the subsidiary on the winding up",
 - (v) "its last fiscal year" were read as "its fiscal year during which its assets were distributed to the parent on the winding up",
 - (vi) "predecessor corporation's gain" were read as "subsidiary's gain",
 - (vii) "new corporation's gain" were read as "parent's gain",
 - (viii) "predecessor corporation's income" were read as "subsidiary's income",
 - (ix) "new corporation's income" were read as "parent's income",
 - (x) "tax-paid undistributed surplus on hand immediately before the amalgamation" were read as "tax paid undistributed surplus on hand, at the time the subsidiary was wound up",
 - (xi) "the aggregate of amounts each of which is the 1971 capital surplus on hand, if any, of a predecessor corporation immediately before the amalgamation" were read as "the amount of the subsidiary's 1971 capital surplus on hand at the time the subsidiary was wound up",
 - (xii) "the aggregate of amounts each of which is the paid-up capital deficiency, if any, of a predecessor corporation immediately before the amalgamation" were read as "the amount of the subsidiary's paid-up capital deficiency at the time the subsidiary was wound up", and
 - (xiii) "the capital dividend account of any predecessor corporation immediately before the amalgamation" were read as "the capital dividend account of the subsidiary at the time the subsidiary was wound up";
- (ec) for the purposes of clauses *a* and *b* of subsection 1 of section 98, gifts made by the subsidiary in its last fiscal year shall, to the extent that they were

not deductible in computing its taxable income for that fiscal year, be deemed to have been made by the parent in its first fiscal year ending after the subsidiary was wound up; and

s. 82 (2),
amended

- (5) Subsection 2 of the said section 82, as enacted by the Statutes of Ontario, 1973, chapter 157, section 23, is amended by striking out “whether or not it is a subsidiary” in the first and second lines and inserting in lieu thereof “other than a subsidiary” and by striking out “1971” in the third line and inserting in lieu thereof “the 6th day of May, 1974”.

s. 82 (2) (a) (vi),
re-enacted

- (6) Subclause vi of clause *a* of subsection 2 of the said section 82 is repealed and the following substituted therefor:

- (vi) each property of the corporation that was so distributed at the particular time shall be deemed to have been disposed of by the corporation immediately before the end of the fiscal year so deemed to have ended for proceeds equal to the fair market value thereof immediately before the particular time; and

s. 82 (2) (b),
amended

- (7) Clause *b* of subsection 2 of the said section 82 is amended by striking out “or clause *c* of subsection 1” in the second line.

s. 82,
amended

- (8) The said section 82 is further amended by adding thereto the following subsection:

Dissolution
of foreign
affiliate

- (3) Where on the dissolution of a foreign affiliate of a person one or more shares of the capital stock of another foreign affiliate of the person have been disposed of to the person, the provisions of subsection 3 of section 88 of the *Income Tax Act* (Canada) apply for the purposes of this Act.

1970-71,
c. 63 (Can.)

s. 83 (1) (b) (i),
re-enacted

- 43.**—(1) Subclause i of clause *b* of subsection 1 of section 83 of the said Act is repealed and the following substituted therefor:

- (i) one-half of the amount, if any, by which the aggregate of the capital gains of the corporation, for the period commencing on the first day of the first fiscal year commencing after the time the corporation last became a private corporation and ending after 1971, and ending immediately before the particular time, exceeds the aggregate of its capital losses for that period.

- (2) Clause *c* of subsection 1 of the said section 83 is repealed ^{s. 83(1)(c), re-enacted} and the following substituted therefor:

(c) “paid-up capital” at any particular time means,

(i) in respect of a share of any class of the capital stock of a corporation, an amount equal to the paid-up capital at that time, in respect of the class of shares of the capital stock of the corporation to which that share belongs, divided by the number of issued shares of that class outstanding at that time,

(ii) in respect of a class of shares of the capital stock of a corporation, the amount, if any, by which the aggregate of,

(A) an amount equal to the paid-up capital in respect of that class of shares at that time, determined without reference to this subclause,

(B) all amounts each of which is an amount in respect of the issue of any share of that class by the corporation before that time equal to the amount, if any, by which,

1. the fair market value, at the time that share was issued, of the consideration received by the corporation for the issue of that share,

exceeds

2. the amount by which the paid-up capital referred to in sub-subclause A was increased by virtue of the issue of that share, and

(C) all amounts each of which is the amount by which,

1. that portion of the amount, if any, by which,

i. any contribution of property, other than eligible capital property, before that time to the corporation by a shareholder who owned shares of that class,

exceeds

- ii. any consideration given by the corporation in respect of that contribution of property,

that cannot reasonably be regarded as a gift made to or for the benefit of any other shareholder of the corporation,

exceeds

- 2. the portion of the portion determined under paragraph 1 that has otherwise been included in the paid-up capital in respect of that or any other class of shares of the capital stock of the corporation,

exceeds the aggregate of,

- (D) all amounts each of which is an amount in respect of the redemption, acquisition or cancellation in any manner whatever, before that time, of a share of that class by the corporation equal to the amount, if any, by which,

- 1. the paid-up capital in respect of that share immediately before such redemption, acquisition or cancellation,

exceeds

- 2. the reduction in the amount of the paid-up capital referred to in sub-subclause A by virtue of such redemption, acquisition or cancellation,

- (E) all amounts each of which is an amount in respect of a reduction of the paid-up capital of that class, before that time, otherwise than by way of redemption, acquisition or cancellation of shares of that class equal to the amount, if any, by which,

1. the amount paid by the corporation on the reduction of the paid-up capital,

exceeds

2. the reduction in the amount of the paid-up capital referred to in sub-subclause A by virtue of such reduction, and

- (F) all amounts each of which is the amount of a dividend that the corporation would, but for this clause, have been deemed, by subsection 1 of section 78, to have paid before that time on an increase in the paid-up capital of that class of shares other than an increase on the issue of a share of that class or by virtue of the amalgamation of two or more corporations, and

- (iii) in respect of all the shares of the capital stock of a corporation, an amount equal to the aggregate of all amounts each of which is an amount equal to the paid-up capital in respect of any class of shares of the capital stock of the corporation at the particular time.

- (3) Clause *d* of subsection 1 of the said section 83 is amended <sup>s. 83 (1) (*d*),
amended</sup> by striking out all that portion thereof immediately preceding subclause v and inserting in lieu thereof the following:

- (*d*) “paid-up capital deficiency” of a corporation at any particular time after the 6th day of May, 1974 means the amount, if any, by which the aggregate of,

- (i) the amounts determined under subclauses xii and xiii of clause *l* in respect of the corporation,
- (ii) all amounts determined under subclauses xiv, xv and xviii of clause *l* in respect of the corporation at the particular time,
- (iii) all amounts each of which is an amount equal to the paid-up capital at the particular time in respect of a share of the capital stock of

the corporation issued after 1971 that was received by a person as described in subsection 1 of section 37 if that person, or that person together with other persons with whom he does not deal at arm's length, controlled the corporation directly or indirectly in any manner whatever immediately after the time the share was issued,

- (iv) where subsection 1 or 2 of section 79 has been applicable in respect of any disposition of property (other than a disposition after the 6th day of May, 1974 and before the 19th day of November, 1974) to the corporation before the particular time, the amount, if any, by which,

- (A) the amount by which any increase, by virtue of the disposition, in the paid-up capital of the corporation exceeds any increase, by virtue of the disposition, in the value of its assets (determined as though the value of any property so transferred were its cost to the corporation for the purposes of this Part and as though this Part were read without reference to subsection 5 of section 79) less its liabilities,

exceeds

- (B) the amount by which any increase, by virtue of the disposition, in the paid-up capital of the corporation exceeds any increase, by virtue of the disposition, in the value of its assets less its liabilities, and

- (iva) where the particular time is after the 18th day of November, 1974 and where at any time before the particular time the corporation issued any shares of its capital stock as consideration for the purchase of shares of the capital stock of a second corporation and,

- (A) at any time before those shares were so issued, any particular person or the group of persons to whom those shares were issued,

- 1. controlled the second corporation, directly or indirectly in any manner whatever, or

2. beneficially owned shares of the capital stock of the second corporation representing more than 50 per cent of its paid-up capital, and
- (B) at any time before the particular time, the particular person or group of persons referred to in sub-subclause A,
1. controlled the corporation directly or indirectly in any manner whatever,
 2. beneficially owned shares of the capital stock of the corporation representing more than 50 per cent of its paid-up capital, or
 3. held an amount of debt payable by the corporation that exceeded the paid-up capital of the corporation, at a time when shares of the capital stock of the corporation representing more than 50 per cent of its paid-up capital were beneficially owned by,
 - i. that particular person,
 - ii. that group of persons,
 - iii. persons related to that particular person or any member of that group of persons, or
 - iv. any combination of persons referred to in this paragraph,

all amounts each of which is an amount in respect of any shares so issued at any given time equal to the amount, if any, by which the lesser of,

- (C) subject to subsection 6, the increase in the paid-up capital of the corporation by virtue of the issue of those shares, on the assumption that clause c applied on the issue of those shares, and

(D) the amount, if any, by which the aggregate of the increase in the paid-up capital of the corporation by virtue of the issue of those shares, on the assumption that clause *c* applied on the issue of those shares, and the fair market value at that time of any other consideration given by the corporation at that time for the purchase of the shares of the second corporation exceeds the lesser of,

1. the paid-up capital limit of the second corporation at that time or on the 18th day of November, 1974 where that day is later, and
2. the aggregate of all amounts each of which is the paid-up capital at that time of each share of the second corporation so purchased at that time, on the assumption that clause *c* applied at that time,

exceeds the aggregate of,

(E) the amount of any dividend that the corporation is deemed by virtue of subsection 1 of section 78 to have paid as a result of the issue of those shares, and

(F) the amount determined under subclause iv in respect of the corporation as a result of the issue of those shares,

exceeds the aggregate of,

.

s. 83 (1) (*d*) (vi),
amended

(4) Subclause vi of clause *d* of subsection 1 of the said section 83 is amended by striking out “iii, iv and iv.1” in the second line and inserting in lieu thereof “to x”.

s. 83 (1) (*d*) (ix),
amended

(5) Subclause ix of clause *d* of subsection 1 of the said section 83 is amended by inserting after “clause *a*” in the sixth line “or *c*”.

- (6) Clause *l* of subsection 1 of the said section 83, as amended by the Statutes of Ontario, 1973, chapter 157, section 24, is repealed and the following substituted therefor:

s. 83 (1) (l),
re-enacted

(*l*) “1971 capital surplus on hand” of a corporation at any particular time after the 6th day of May, 1974, means the amount, if any, by which the aggregate of,

- (i) the tax equity of the corporation at the end of its 1971 fiscal year,
- (ii) subject to subsection 5, all amounts each of which is an amount in respect of a capital property of the corporation owned by it on December 31, 1971 and disposed of by it after that date and before the particular time equal to the amount, if any, by which the lesser of its fair market value on the day fixed by proclamation for the purposes of subdivision B and the corporation’s proceeds of disposition thereof exceeds its actual cost to the corporation determined without reference to *The Corporations Tax Application Rules, 1972*, other than subsections 15, 17 and 21 to 27 of section 26 thereof,
- (iii) all amounts each of which is an amount in respect of a capital property owned by it at the end of its 1971 fiscal year or acquired by it thereafter and disposed of by the corporation before 1972, equal to the amount, if any, by which the corporation’s proceeds of disposition thereof exceeds its actual cost to the corporation determined without reference to *The Corporations Tax Application Rules, 1972*,
- (iv) all amounts each of which is an amount in respect of a dividend received by the corporation on a share of the capital stock of another corporation after 1971 and before the particular time, which amount was, by virtue of subsection 1 of section 77, not included in computing the income of the corporation by virtue of this Subdivision, minus such portion, if any, of that amount as was payable out of the other corporation’s tax-paid undistributed surplus on hand, and

(v) all amounts each of which is an amount in respect of an eligible capital amount, within the meaning given to that expression by subsection 1 of section 18, in respect of a business carried on by the corporation that became payable to the corporation in a fiscal year commencing after the time the corporation last became a private corporation and ending before the particular time, equal to the amount, if any, by which,

(A) the amount that the eligible capital amount would be but for the provisions of *The Corporations Tax Application Rules, 1972*, relating to section 18,

exceeds

(B) the aggregate of

1. the eligible capital amount, and

2. where the amount in respect of an eligible capital amount is received as consideration for the disposition of, or for allowing the expiry of, a government right, within the meaning given to that expression by *The Corporations Tax Application Rules, 1972*, such amount as is included in respect thereof in the tax equity of the corporation at the end of its 1971 fiscal year by virtue of subclause iia of clause *h*,

(vi) all amounts each of which is an amount that became payable to the corporation after the end of its 1971 fiscal year and before 1972 in respect of a property, owned by it at the end of its 1971 fiscal year or acquired by it thereafter and disposed of by it before 1972, that would have been eligible capital property if it had been disposed of after 1971, equal to the amount, if any, by which the amount that became payable exceeds any amount included in respect of that property in the tax equity of the corporation at the end of its 1971 fiscal year by virtue of subclause iia of clause *h*,

(vii) all amounts each of which is an amount equal to the amount, if any, by which,

(A) the aggregate of all amounts that have become due to the corporation before the particular time in respect of the disposition after 1971 of a property owned by the corporation on the 31st day of December, 1971 that is a property referred to in clause *b* of subsection 2 of section 59,

exceeds

(B) the relevant percentage, within the meaning given to that expression by subsection 4 of section 59, of the amount receivable by the corporation in respect of that disposition,

(viii) all amounts each of which is an amount receivable in respect of a property referred to in clause *b* of subsection 2 of section 59 owned by the corporation at the end of its 1971 fiscal year or acquired by it thereafter and disposed of by it before 1972,

(ix) all amounts each of which is an amount deducted by virtue of clause *b* of subsection 1 or 2 of section 31*a* in computing the income of the corporation for a fiscal year ending before the particular time,

(x) the amount, if any, by which,

(A) the proceeds of any life insurance policy received by the corporation after the end of its 1971 fiscal year and before 1972 as the result of the death of any person whose life was insured under the policy,

exceeds

(B) the aggregate of,

1. all amounts included in the tax equity of the corporation at the end of its 1971 fiscal year in respect of the policy, and

2. all amounts paid as or on account of premiums paid under the policy by the corporation after the end of its 1971 fiscal year and before 1972, and

- (xi) all amounts determined under subclauses vii and x of clause *d* in respect of the corporation at the particular time,

exceeds the aggregate of,

- (xii) the paid-up capital of the corporation at the end of its 1971 fiscal year in respect of all of the shares of its capital stock,

- (xiii) the amount that the corporation's undistributed income on hand, within the meaning given to that expression by the *Income Tax Act* (Canada) as it read in its application to the 1971 fiscal year, would be at the end of its 1971 fiscal year if,

- (A) that Act as it so read were read without reference to subparagraph iii of paragraph *a* of subsection 1 of section 82 thereof,

- (B) references in paragraph *a* of subsection 1 of section 82 of that Act, except clause A of subparagraph vii thereof, to "1917" were read as references to "1950", and

- (C) no amount were allowed as a deduction under subparagraph ii of paragraph *a* of subsection 1 of section 82 of that Act as it read in its application to that year that was not deductible in computing the corporation's income for the 1971 or any previous fiscal year for the purposes of Part I of that Act as it read in its application to that year, but would have been deductible in computing its income for the 1971 fiscal year if that Act as it read in its application to that year had been read without reference to any restriction on the quantum of any deduction thereunder,

- (xiv) subject to subsection 5, all amounts each of which is an amount in respect of a capital property, other than depreciable property, of the corporation owned by it on the 31st day of December, 1971 and disposed of by it after that date and before the particular time equal to the amount, if any, by which its actual cost to the corporation determined without reference to *The Corporations Tax Application Rules, 1972*, other than subsections 15, 17, and 21 to 27 of section 26 thereof, exceeds the greater of the fair market value of the property on the day fixed by proclamation for the purposes of subdivision B and the corporation's proceeds of disposition thereof,
 - (xv) all amounts each of which is an amount in respect of a capital property, other than depreciable property, owned by it at the end of its 1971 fiscal year or acquired by it thereafter and disposed of by it before 1972, equal to the amount, if any, by which its actual cost to the corporation determined without reference to *The Corporations Tax Application Rules, 1972* exceeds the corporation's proceeds of disposition thereof,
 - (xvi) all amounts determined under subclauses iii and iva of clause *d* in respect of the corporation at the particular time,
 - (xvii) where the particular time is after the 18th day of November, 1974, all amounts determined under subclause iv of clause *d* in respect of the corporation at the particular time, and,
 - (xviii) all amounts each of which is an amount in respect of a dividend that became payable by the corporation before the particular time, equal to the portion, if any, thereof payable out of its 1971 capital surplus on hand.
- (7) The said section 83 is further amended by adding thereto the following subsections:
- (4) For the purposes of subclause vi of clause *d* and subclauses ii and iii of clause *l* of subsection 1, the actual cost of depreciable property that was acquired by a corporation before the commencement of its 1949 fiscal year that is

s. 83,
amended

Deemed
capital cost
of certain
depreciable
property

R.S.C. 1952,
c. 148

Rules
concerning
the 1971
capital
surplus on
hand and
paid-up
capital
deficiency

1970-71,
c. 63 (Can.)

capital property referred to in those subclauses shall be deemed to be the capital cost of such property to the corporation, within the meaning given to that expression by section 144 of the *Income Tax Act* (Canada) as it read in its application to the 1971 fiscal year.

(5) For the purposes of determining the 1971 capital surplus on hand or paid-up capital deficiency of a corporation at any particular time after the 6th day of May, 1974, the following rules apply:

- (a) the amount referred to in subclauses ii and xiv of clause *l* of subsection 1 in respect of a capital property of the corporation shall be deemed to be nil, where the property disposed of is,
 - (i) a share of the capital stock of a subsidiary corporation referred to in subsection 1 of section 82 that was disposed of on the winding-up of the subsidiary where that winding-up commenced after the 29th day of May, 1973,
 - (ii) a share of the capital stock of another Canadian corporation that was controlled, within the meaning given to that expression by subsection 2 of section 186 of the *Income Tax Act* (Canada), by the corporation immediately before the disposition and that was disposed of by the corporation after 1971 to a person with whom the corporation was not dealing at arm's length immediately after the disposition, other than by a disposition referred to in clause *b*, or
 - (iii) subject to subsection 21 of section 26 of *The Corporations Tax Application Rules, 1972*, a share of the capital stock of a particular corporation that was disposed of by the corporation after the 6th day of May, 1974, on an amalgamation, within the meaning given to that expression by subsection 1 of section 81, where the corporation controlled, within the meaning given to that expression by subsection 2 of section 186 of the *Income Tax Act* (Canada), both the particular corporation immediately before the amalgamation and the new corporation immediately after the amalgamation; and
- (b) where another corporation that is a Canadian corporation owned a capital property on the 31st day

of December, 1971 and subsequently disposed of it to the corporation in a transaction to which section 79 applied, the other corporation shall be deemed not to have disposed of that property in the transaction and the corporation shall be deemed to have owned that property on the 31st day of December, 1971 and to have acquired it at an actual cost equal to the actual cost of that property to the other corporation.

(6) Where subclause *iva* of clause *d* of subsection 1 has applied to the issue, prior to the 19th day of November, 1974, of any share of the capital stock of a corporation, for the purpose of sub-subclause C of subclause *iva* of clause *d* of subsection 1, the increase in the paid-up capital of the corporation by virtue of the issue of that share shall, subject to section 78*b*, be deemed to be equal to the amount that would be determined under sub-subclause B of subclause *ii* of clause *c* of subsection 1 in respect of the issue of that share if clause *c* of subsection 1 were applicable at that time.

Reduction
in paid-up
capital
deficiency

44. The said Act is further amended by adding thereto the following section:

s. 83*a*,
enacted

83*a*.—(1) For the purposes of paragraph 1 of sub-subclause B of subclause *ii* of clause *c* of subsection 1 of section 83, where a corporation has issued any shares of a particular class of its capital stock in exchange for another share, bond, debenture, mortgage, note or other similar obligation of the corporation, in this subsection referred to as a “convertible property”, the fair market value of the convertible property at the time the shares of the particular class were issued shall be deemed to be an amount equal to,

Paid-up
capital:
special
rules on
conversion
of property

- (*a*) where the convertible property was a share, the amount of the paid-up capital in respect of that share immediately before the exchange; or
- (*b*) where the convertible property was a debt owing by the corporation, the amount of that debt immediately before the exchange.

(2) Where there has been an amalgamation, within the meaning given to that expression by section 81, of two or more corporations, each of which corporations is in this subsection referred to as a “predecessor corporation”, to form one corporate entity, in this subsection referred to as the “new corporation”,

Paid-up
capital in
respect of
amalgama-
tions

- (a) for the purposes of paragraph 1 of sub-subclause B of subclause ii of clause *c* of subsection 1 of section 83, the new corporation shall be deemed to have received no consideration for any shares of its capital stock that were issued on the amalgamation;
- (b) the paid-up capital in respect of any particular class of the capital stock of the new corporation shall, at any particular time after the amalgamation and after the 6th day of May, 1974, be increased by the amount, if any, by which,
 - (i) the aggregate of all amounts each of which is the paid-up capital, immediately before the amalgamation, in respect of a share of the capital stock of a predecessor corporation, other than a share owned by another predecessor corporation,

exceeds

- (ii) the aggregate of all amounts each of which is the paid-up capital, referred to in sub-subclause A of subclause ii of clause *c* of subsection 1 of section 83, immediately after the amalgamation, in respect of a class of shares of the capital stock of the new corporation,

to the extent that that amount has not been included in the paid-up capital of any other class of shares of the capital stock of the new corporation; and

- (c) where the amalgamation occurred prior to the 7th day of May, 1974, the paid-up capital, immediately before the amalgamation, of a share of the capital stock of a predecessor corporation shall, for the purposes of subclause i of clause *b* be determined as though subclauses i and ii of clause *c* of subsection 1 of section 83 applied immediately before the amalgamation.

Paid-up
capital:
where
dividend
paid

(3) Where a corporation has made an election under subsection 1 of section 77 in respect of a dividend on a particular class of shares of the capital stock of the corporation that has, before the 19th day of November, 1974, become payable, or was paid if that event was earlier than the time it became payable, and,

- (a) the portion of the dividend that was payable out of the corporation's 1971 capital surplus on

hand if the paid-up capital of the corporation in respect of any class of shares of its capital stock at the end of its 1971 fiscal year was the amount determined under sub-subclause A of subclause ii of clause *c* of subsection 1 of section 83 in respect of that class at that time,

exceeds

- (*b*) the portion of the dividend that would have been payable out of the corporation's 1971 capital surplus on hand if the paid-up capital of the corporation in respect of any class of shares of its capital stock at the end of its 1971 fiscal year was the amount determined under subclause ii of clause *c* of subsection 1 of section 83 without reference to this subsection in respect of that class at that time,

notwithstanding any other provision of this Act, the paid-up capital in respect of the particular class of shares at the end of the corporation's 1971 fiscal year and at any time after the 18th day of November, 1974, shall be reduced by the amount, if any, by which the amount referred to in clause *a* exceeds the amount referred to in clause *b*.

- 45.** The said Act is further amended by adding thereto the following section: s. 84a,
enacted

84a. It is hereby declared that the provisions of sections 91, 92, 93, 94 and 95 of the *Income Tax Act* (Canada) shall apply to this Act for the purpose of computing the income for a fiscal year of a corporation resident in Canada. Income of
corporations
from foreign
affiliates
1970-71,
c. 63 (Can.)

- 46.**—(1) Section 85 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 25, is further amended by adding thereto the following subsections: s. 85,
amended

(1a) For the purposes of subsection 1 and sections 90 and 92, Allocation
of share
of income to
retiring
partner

- (*a*) where the principal activity of a partnership is carrying on a business in Canada and the members thereof have entered into an agreement to allocate a share of the income or loss of the partnership from any source or from sources in a particular place, as the case may be, to any corporation that at any time ceased to be a member of,

(i) the partnership, or

- (ii) a partnership that at any time has ceased to exist or would, but for subsection 1 of section 87 have ceased to exist, and either,

(A) the members thereof, or

(B) the members of another partnership in which, immediately after that time, any of the members referred to in subclause A became members,

have agreed to make such an allocation to the corporation,

that corporation shall be deemed to be a member of the partnership; and

(b) all amounts each of which is an amount equal to the share of the income or loss referred to in this subsection allocated to a corporation from a partnership in respect of a particular fiscal year of the partnership shall, notwithstanding any other provision of this Act, be included in computing the corporation's income for the fiscal year in which that fiscal year of the partnership ends.

(1b) Where in a fiscal year a corporation that has a right to a share of the income or loss of a partnership under an agreement referred to in subsection 1a disposes of that right,

(a) there shall be included in computing its income for the year the proceeds of the disposition; and

(b) for greater certainty, the cost to the corporation of each property received by it as consideration for the disposition is the fair market value of the property at the time of the disposition.

(1c) Where, by virtue of subsection 1a or 1b, an amount has been included in computing a corporation's income for a fiscal year, there may be deducted in computing its income for the year the lesser of,

(a) the amount so included in computing its income for the year; and

(b) the amount, if any, by which the cost to the corporation of the right to a share of the income or loss of a partnership under an agreement referred to in subsection 1a exceeds the aggregate of all amounts in respect of that right that were deductible by virtue of this subsection in computing its income for previous fiscal years.

(1d) For the purposes of this Act, a right to a share of the income or loss of a partnership under an agreement refer-

Disposal
of right
to share
in income,
etc.

Deductions

Right
deemed not
to be capital
property

red to in subsection 1*a* shall be deemed not to be capital property.

(1*e*) Where any activity in Ontario of a partnership in a fiscal year is such that, if it were a corporation, it would be subject to clause *a* or *b* of subsection 2 or 3 of section 2, as the case may be, each corporation that is deemed by clause *a* of subsection 1*a* to be a member of the partnership shall be deemed to be subject to clause *a* or *b* of subsection 2 or 3 of section 2, as the case may be, for that fiscal year.

Members of partnership deemed to have a permanent establishment in Ontario

(2) Subsection 3 of the said section 85, as enacted by the Statutes of Ontario, 1973, chapter 157, section 25, is amended by striking out “or” in the eighth line and by inserting after “36” in the ninth line “or subsection 2 of section 86”.

s. 85 (3), amended

47.—(1) Subsection 2 of section 87 of the said Act is repealed.

s. 87 (2), repealed

(2) The said section 87 is amended by adding thereto the following subsection:

s. 87, amended

(5*a*) Where at any particular time after 1971 a Canadian partnership has ceased to exist and within three months after the particular time one, but not more than one, of the persons who were, immediately before the particular time, members of that partnership, carries on by himself the business that was the business of the partnership and continues to use, in the course of the business, any property that was, immediately before the particular time partnership property and that was received by him as proceeds of disposition of his interest in the partnership, and where that one person is a corporation, hereafter in this section referred to as the “proprietor corporation”, the following rules apply:

Where partnership business carried on as sole proprietorship

(*a*) the proprietor corporation’s proceeds of disposition of its interest in the partnership shall be deemed to be an amount equal to the greater of,

(i) the aggregate of the adjusted cost base to it, immediately before the particular time, of its interest in the partnership, and the cost to it of all interests in the partnership deemed by clause *g* to have been acquired by it at the particular time, and

(ii) the aggregate of,

(A) the cost amount to the partnership, immediately before the particular time, of each such property so received by it, and

- (B) the amount of any other proceeds of the disposition of its interest in the partnership received by it;
- (b) the cost to the proprietor corporation of each such property so received by it shall be deemed to be an amount equal to,
 - (i) the cost amount to the partnership of the property immediately before that time,plus,
 - (ii) where the amount determined under subclause i of clause *a* exceeds the amount determined under subclause ii of clause *a*, the amount determined under clause *c* or *d*, as the case may be, in respect of the property;
- (c) the amount determined under this clause in respect of each such property so received by it that is a capital property, other than depreciable property, of the proprietor corporation is such portion of the excess, if any, described in subclause ii of clause *b* as is designated by it in respect of the property, except that,
 - (i) in no case shall the amount so designated in respect of any such property exceed the amount, if any, by which the fair market value of the property immediately after the particular time exceeds the cost amount to the partnership of the property immediately before that time, and
 - (ii) in no case shall the aggregate of amounts so designated in respect of all such capital properties, other than depreciable property, exceed the excess, if any, described in subclause ii of clause *b*;
- (d) the amount determined under this clause in respect of each such property so received by it that is depreciable property or a property other than a capital property of the proprietor corporation is such portion of,
 - (i) the amount, if any, by which the excess, if any, described in subclause ii of clause *b*

exceeds the aggregate of amounts designated by it under clause *c* in respect of all capital properties, other than depreciable property,

as is designated by it in respect of the property, except that,

- (ii) in no case shall the amount so designated in respect of any such property exceed the amount, if any, by which the fair market value of the property immediately after the particular time exceeds the cost amount to the partnership of the property immediately before that time, and
 - (iii) in no case shall the aggregate of amounts so designated in respect of all such properties of the proprietor corporation that are depreciable property or properties other than capital properties, exceed one-half of the amount determined under subclause *i* in respect of the proprietor corporation;
- (*e*) where any such property so received by it was depreciable property of a prescribed class of the partnership and the amount that was the capital cost to the partnership of that property exceeds the amount determined under clause *b* to be the cost to the proprietor corporation of the property, for the purposes of sections 17 and 24 and any regulations made under clause *a* of subsection 1 of section 24,
- (i) the capital cost to the proprietor corporation of the property shall be deemed to be the amount that was the capital cost to the partnership of the property, and
 - (ii) the excess shall be deemed to have been allowed to the proprietor corporation in respect of the property under regulations made under clause *a* of subsection 1 of section 24 in computing income for fiscal years before the acquisition by it of the property;
- (*f*) the partnership shall be deemed to have disposed of each such property for proceeds equal to the cost amount to the partnership of the property immediately before the particular time; and

- (g) where, at the particular time, all other persons who were members of the partnership immediately before that time have disposed of their interests in the partnership to the proprietor corporation, the proprietor corporation shall be deemed at that time to have acquired partnership interests from those other persons and not to have acquired any property that was property of the partnership.

ss. 87a, 87b,
enacted

- 48.** The said Act is further amended by adding thereto the following sections:

Residual
interest in
partnership

87a.—(1) Where, but for this subsection, at any time after 1971 a corporation has ceased to be a member of a partnership of which it was a member immediately before that time, the following rules apply,

- (a) until such time as all its rights (other than a right to a share of the income or loss of the partnership under an agreement referred to in subsection 1a of section 85) to receive any property of or from the partnership in satisfaction of its interest in the partnership immediately before the time that it ceased to be a member of the partnership are satisfied in full, such interest, in this section referred to as a “residual interest”, shall, subject to section 50 but notwithstanding any other section of this Act, be deemed not to have been disposed of by the corporation and to continue to be an interest in the partnership;
- (b) where all of the corporation’s rights described in clause a are satisfied in full before the end of the fiscal year of the partnership in which it ceased to be a member thereof, it shall, notwithstanding clause a, be deemed not to have disposed of its residual interest until the end of that fiscal year;
- (c) notwithstanding subsection 3 of section 42, where at the end of a fiscal year of the partnership, in respect of a residual interest in the partnership,
- (i) the aggregate of all amounts required by subsection 2 of section 55 to be deducted in computing the adjusted cost base to the corporation of the residual interest at that time,

exceeds

- (ii) the aggregate of the cost to it of the residual interest determined for the purpose of computing the adjusted cost base to it of that interest at that time and all amounts required by subsection 1 of section 55 to be added to the cost to it of the residual interest in computing the adjusted cost base to it of that interest at that time,

the amount of the excess shall be deemed to be a gain of the corporation for the year from a disposition at that time of that residual interest; and

- (d) where a corporation has a residual interest,
 - (i) by virtue of clause *b*, it shall, except for the purposes of subsection 3 of section 98, be deemed not to be a member of the partnership, and
 - (ii) in any other case, it shall except for the purposes of subsection 3 of section 79, be deemed not to be a member of the partnership.

(2) Where a partnership, in this subsection referred to as the “original partnership”, has or would but for subsection 1 of section 87 have ceased to exist at a time when a corporation had rights described in clause *a* of subsection 1 in respect of that partnership and the members of another partnership agree to satisfy all or part of those rights, that other partnership shall, for the purposes of clause *a* of subsection 1, be deemed to be a continuation of the original partnership.

Continuation
of original
partnership

87*b*. Where by virtue of the death of an individual a corporation has acquired a property that was an interest in a partnership to which, immediately before the individual's death, section 87*a* applied,

Transfer
of interest
on death

- (a) the corporation shall be deemed to have acquired a right to receive partnership property and not to have acquired an interest in a partnership;
- (b) the corporation shall be deemed to have acquired the right referred to in clause *a* at a cost equal to the amount determined to be the proceeds of disposition of the interest in the partnership to the deceased individual by virtue of paragraph *a* of subsection 5 of section 70 or paragraph *d* of subsection 6 of section 70, as the case may be, of the *Income Tax Act* (Canada); and

1970-71,
c. 63 (Can.)

(c) section 45 is not applicable to the right.

s. 89 (2) (b),
re-enacted

49. Clause *b* of subsection 2 of section 89 of the said Act is repealed and the following substituted therefor:

(b) the aggregate of,

(i) the cost to the corporation of the interest in the partnership determined for the purpose of computing the adjusted cost base to it of that interest at that time, and

(ii) all amounts required by subsection 1 of section 55 to be added to the cost to it of that interest in computing the adjusted cost base to it of that interest at that time.

s. 96,
amended

50.—(1) Section 96 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 26, is further amended by adding thereto the following subsection:

Cost of
capital
interest in a
testamentary
trust

(1*a*) For the purposes of subsection 1 and notwithstanding clause *c* of subsection 1 of section 66, the cost to a corporation of a capital interest in a testamentary trust shall be deemed to be,

(a) where the interest was purchased, the cost otherwise determined;

(b) where paragraph *c* of subsection 5 of section 70 of the *Income Tax Act* (Canada) applies, the cost therein determined; and

(c) in any other case, nil.

1970-71,
c. 63 (Can.)

s. 96 (3),
amended

(2) Subsection 3 of the said section 96 is amended by striking out “that proportion” in the ninth line and in the tenth line and inserting in lieu thereof in each instance “the amount”.

s. 97 (1) (c),
amended

51. Clause *c* of subsection 1 of section 97 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 27, is further amended by inserting after “trust” in the second line “other than a trust that is a foreign affiliate of the corporation”.

s. 100 (1) (c),
repealed

52.—(1) Clause *c* of subsection 1 of section 100 of the said Act is repealed.

s. 100 (2),
amended

(2) Subsection 2 of the said section 100 is amended by striking out “corporation” in the second line and inserting in lieu thereof “corporation, other than a foreign affiliate of the corporation”.

- (3) Subsections 3 and 4 of the said section 100 are repealed s. 100 (3, 4), re-enacted and the following substituted therefor:

(3) Where a corporation owns a share that is a capital Loss on share that is capital property property and receives a taxable dividend or capital dividend in respect of that share, the amount of any loss of the corporation arising from transactions with reference to the share on which the dividend was received shall, unless it is established by the corporation that,

- (a) the corporation owned the share 365 days or longer before the loss was sustained; and
- (b) the corporation did not, at the time the dividend was received, own more than 5 per cent of the issued shares of any class of the capital stock of the corporation from which the dividend was received,

be deemed to be the amount of that loss otherwise determined, minus the aggregate of all amounts received by the corporation in respect of;

- (c) taxable dividends on the share to the extent that the amounts thereof were deductible from the corporation's income for any fiscal year by virtue of this section or subsection 6 of section 138 of the *Income Tax Act* (Canada); or 1970-71, c. 63 (Can.)
- (d) capital dividends on the share.

(4) Where a corporation owns a share that is not a capital Loss on share that is not capital property property and receives a dividend in respect of that share, the amount of any loss of the corporation arising from transactions with reference to the share on which the dividend was received shall, unless it is established by the corporation that,

- (a) it owned the share 365 days or longer before the loss was sustained; and
- (b) it did not, at the time the dividend was received, own more than 5 per cent of the issued shares of any class of the capital stock of the corporation from which the dividend was received,

be deemed to be the amount of that loss otherwise determined, minus the aggregate of all amounts received by it in respect of dividends, other than capital gains dividends within the meaning given to that expression by subsection 1 of section 109, on the share.

Fair
market
value of
share that
is not
capital
property

(4a) Where a corporation owns a share that is not a capital property and receives a dividend in respect of that share, for the purpose of subsection 1 of section 15 the fair market value of the share at any particular time after the 18th day of November, 1974 shall, unless it is established by the corporation that,

- (a) it owned the share 365 days or longer before the particular time; and
- (b) it did not, at the time the dividend was received, own more than 5 per cent of the issued shares of any class of the capital stock of the corporation from which the dividend was received,

be deemed to be the aggregate of the fair market value of the share at the particular time otherwise determined and all amounts received before the particular time by it in respect of dividends, other than capital gains dividends within the meaning given to that expression by subsection 1 of section 109, on the share.

s. 100,
amended

(4) Section 100 of the said Act is amended by adding thereto the following subsection:

Rules
where
shares
exchanged

(6) Where at a particular time a share, in this subsection referred to as the "new share", has been acquired by a corporation in exchange for another share, in this subsection referred to as the "old share", by means of a transaction to which section 53, 79a, 80 or 81 applies, any reference in subsection 3 to a share shall be deemed to include a reference to the new share and the old share as though they were the same share, except that the aggregate of the amounts to be deducted from a loss otherwise determined on any new share of the corporation, in respect of dividends received by it on the share, shall be deemed to be the aggregate of,

- (a) the aggregate of amounts that would be determined under subsection 3 in respect of taxable dividends or capital dividends received by it on the new share only; and
- (b) that proportion of the aggregate of all amounts received by it in respect of taxable dividends or capital dividends on all the old shares exchanged at the particular time that,
 - (i) the adjusted cost base to it of the new share immediately after the exchange,
is of,
 - (ii) the adjusted cost base to it of all new shares immediately after the exchange.

- 53.** The said Act is further amended by adding thereto the following section: s. 100a, enacted

100a. It is hereby declared that the provisions of section 113 of the *Income Tax Act* (Canada) shall apply to this Act for the purposes of computing the taxable income for a fiscal year of a corporation resident in Canada. Deduction re dividends from foreign affiliates 1970-71, c. 63 (Can.)

- 54.** The said Act is further amended by adding the following section: s. 100b, enacted

100b.—(1) In computing a corporation's taxable income for a fiscal year, there may be deducted the aggregate of amounts (the aggregate of which amounts is hereafter in this subsection referred to as "the amount contributed") that are contributions for the purposes of *The Election Finances Reform Act, 1975* and that are contributed in the fiscal year, and in any previous fiscal year ending after the 12th day of February, 1975 to the extent that such contributions have not already been deducted, by the corporation to registered candidates at an election of a member or members to serve in the Assembly, to registered constituency associations or to registered parties, provided that, Election contributions 1975, c. 12

(a) subject to subsection 3, such deduction shall not exceed the least of,

(i) the amount contributed, and

(ii) its taxable income computed without reference to this section, and

(iii) \$4,000; and

(b) payment of each amount that is included in the amount contributed is proven by filing with the Minister receipts that are signed by a recorded agent of the registered candidate, registered constituency association or registered party, as the case may be, and that contain the information prescribed to be shown on such receipts.

(2) In this section,

Interpretation

(a) "recorded agent" means a person on record with the Commission on Election Contributions and Expenses as being authorized to accept contributions on behalf of a political party, constituency association or candidate registered under *The Election Finances Reform Act, 1975*;

(b) “registered candidate” with respect to an election of a member or members to serve in the Assembly, means a person who has been registered as a candidate for such election by the Commission on Election Contributions and Expenses and whose name has not been deleted from the register of candidates maintained by the Commission with respect to such election;

(c) “registered constituency association” means a registered constituency association within the meaning given to that expression by *The Election Finances Reform Act, 1975*;

(d) “registered party” means a registered party within the meaning given to that expression by *The Election Finances Reform Act, 1975*.

1975, c. 12

Corporations
to which s. 103
applicable

(3) In respect of a corporation to which section 103 is applicable, the amount deductible under clause *a* of subsection 1 is the aggregate of,

- (a) the amount which would otherwise be deducted under clause *a* of subsection 1; and
- (b) that proportion of the amount determined under clause *a* that,

- (i) the taxable income of the corporation that is earned in jurisdictions other than Ontario (as computed for the purposes of section 103 and without reference to this section),

is to

- (ii) the amount by which the taxable income of the corporation exceeds the amount referred to in subclause i.

s. 101 (a) (iv),
amended

55.—(1) Subclause iv of clause *a* of section 101 of the said Act is amended by striking out “and” in the eleventh line.

s. 101 (a) (v),
re-enacted

(2) Subclause v of clause *a* of the said section 101 is repealed and the following substituted therefor:

- (v) proceeds of disposition that become receivable by it in the fiscal year in respect of the disposition of a property that is a Canadian resource property or that would have been such a property if the property had been

acquired by it after 1971, to the extent that those proceeds were not included in computing its income from a business carried on by it in Canada,

(vi) amounts required by subsection 1*a* of section 17 to be included in computing its income for the year in respect of dispositions of timber resource properties to the extent that those amounts were not included in computing its income from a business carried on by it in Canada,

(vii) the amount, if any, by which any amount required by subsection 1*b* of section 85 to be included in computing its income for the year as proceeds of the disposition of a right to a share of the income or loss under an agreement referred to in clause *a* of subsection 1*a* of section 85 exceeds the amount in respect of that right that would, if the corporation were liable to taxation by virtue of subsection 1 of section 2 throughout the fiscal year, be deductible under subsection 1*c* of section 85 in computing its income for the year.

(3) Clause *b* of the said section 101, as amended by the s. 101 (b),
amended Statutes of Ontario, 1973, chapter 157, section 28, is further amended by inserting after “property” in the fifth line “or an interest therein”.

(4) The said section 101 is amended by adding thereto the s. 101,
amended following subsection:

(2) For the purposes of this section, a property described in subparagraphs i to ix of paragraph *b* of subsection 1 of section 115 of the *Income Tax Act* (Canada) shall be deemed to include an option in respect of such property Property
deemed to
include
option
1970-71,
c. 63 (Can.) whether or not such property is in existence.

56. Section 105 of the said Act is repealed.

s. 105,
repealed

57. Subsection 2 of section 106*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 75, section 7, is amended by striking out “\$50,000” in the fifth line and inserting in lieu thereof “\$100,000”.

s. 106*a* (2),
amended

58. Clause *a* of subsection 5 of section 110 of the said Act is repealed and the following substituted therefor:

s. 110 (5) (a),
re-enacted

(*a*) “Canadian property” means,

- (i) property of a corporation that would be taxable Canadian property if at no time in the year the corporation had been resident in Canada, and
- (ii) any other property not being foreign property within the meaning given to that expression by section 206 of the *Income Tax Act* (Canada).

1970-71,
c. 63 (Can.)

s. 112,
amended

59. Section 112 of the said Act is amended by adding thereto the following subsection:

Patronage
dividends

(7) For the purposes of this section, where,

- (a) a person has sold or delivered a quantity of goods or products to a marketing board established by or pursuant to a law of Canada or of a province;
- (b) the marketing board has sold or delivered the same quantity of goods or products of the same class, grade or quality to a corporation of which the person is a member; and
- (c) the corporation has credited that person with an amount based on the quantity of goods or products of that class, grade or quality sold or delivered to it by the marketing board,

the quantity of goods or products referred to in clause *c* shall be deemed to have been sold or delivered by that person to the corporation and to have been acquired by the corporation from that person.

s. 114 (3),
re-enacted

60.—(1) Subsection 3 of section 114 of the said Act is repealed and the following substituted therefor:

Amount
paid in
respect of
member's
share deemed
paid as
interest

(3) Notwithstanding any other provisions of this Act, any amount paid or payable by a credit union to a member thereof in respect of his share in the credit union, other than any such amount paid or payable as or on account of a reduction of the paid-up capital, redemption, acquisition or cancellation by the credit union of the member's share to the extent of the paid-up capital of his share, shall be deemed to have been paid or payable, as the case may be, by the credit union as interest and, when received by the member, to have been received by him as interest.

Application
of s. 78

(3a) Subsections 2, 3 and 4 of section 78 do not apply to deem a dividend to have been paid by a corporation to any of its shareholders, or to deem any of the shareholders of a

corporation to have received a dividend on any shares of the capital stock of the corporation, if at the time the dividend would, but for this subsection, be deemed by subsection 2, 3, or 4 of section 78 to have been so paid or received, as the case may be, the corporation was a credit union.

- (2) Clause *a* of subsection 5 of the said section 114 is amended <sup>s. 114 (5) (a),
amended</sup> by inserting after “union” in the sixteenth line “of the same class and for this purpose a class includes all members for whom the rates of interest payable in relation to the money borrowed are the same”.

- (3) Clause *b* of subsection 5 of the said section 114 is repealed <sup>s. 114 (5) (b),
re-enacted</sup> and the following substituted therefor:

(*b*) “credit union” means a corporation, association or federation incorporated or organized as a credit union or co-operative credit society if,

(i) it derived all or substantially all of its revenues from,

(A) loans made to, or cashing cheques for, members,

(B) bonds or securities of or loans to, or guaranteed by, the Government of Canada or a province, a Canadian municipality, or an agency thereof, or bonds or securities of or loans to a municipal or public body performing a function of government in Canada or an agency thereof,

(C) bonds of a corporation, commission or association not less than 90 per cent of the shares or capital of which was owned by the Government of Canada or a province or by a municipality in Canada,

(D) loans to or deposits with a bank to which the *Bank Act* (Canada) or the *Quebec Savings Banks Act* (Canada) applies, or loans to or deposits with a corporation licensed or otherwise authorized under a law of Canada or a province to carry on in Canada the business of offering to the public its services as trustee, <sup>R.S.C. 1970,
cc. B-1, B-4</sup>

- (E) charges, fees and dues levied against members or members of members, or
- (F) loans made to or deposits with a credit union or co-operative credit society of which it is a member, or
- (ii) all or substantially all the members thereof were corporations, associations or federations,
 - (A) incorporated as credit unions or co-operative credit societies, all of which derived all or substantially all of their revenues from the sources described in subclause i or all of whose shares are owned by credit unions, co-operatives or a combination thereof,
 - (B) incorporated, organized or registered under, or governed by a law of Canada or a province with respect to co-operatives, or
 - (C) incorporated or organized for charitable purposes,
- or were corporations, associations or federations no part of the income of which was payable to, or otherwise available for the personal benefit of, any shareholder or member thereof.

s. 117a,
enacted

- 61.** The said Act is further amended by adding thereto the following section:

Deemed not
to be a
private
corporation

117a. Notwithstanding any other provision of this Act, an insurance corporation, other than a life insurance corporation, that would but for this section be a private corporation shall be deemed not to be a private corporation except for the purposes of section 106a.

s. 120,
amended

- 62.** Section 120 of the said Act is amended by adding thereto the following subsection:

(9a) Where a trust governed by a revoked plan,

Property of
a trust
governed by
a revoked
plan

- (a) disposes of property to a corporation for a consideration less than the fair market value of the property at the time of the transaction, or for no consideration; or

(b) acquires property from a corporation for a consideration greater than the fair market value of the property at the time of the transaction,

the difference between such fair market value and the consideration, if any, shall be deemed to be an amount received by the corporation from a trustee under the plan and that amount shall be included in the corporation's income for a fiscal year.

63.—(1) Subclause iii of clause *e* of subsection 1 of section 122 of the said Act is amended by adding “or” at the end of sub-subclause A, by striking out sub-subclauses B, C and D and by substituting therefor the following:

(B) a gift to any donee described in clause *a* or *b* of subsection 1 of section 98,

.

(2) Clause *i* of subsection 1 of the said section 122, as re-enacted by the Statutes of Ontario, 1973, chapter 42, section 9, is amended by adding at the end thereof “unless the proprietor, member or shareholder was a club, society or association the primary purpose and function of which was the promotion of amateur athletics in Canada”.

(3) Clause *b* of subsection 6 of the said section 122 is amended by inserting after “corporation” in the second line “including gifts received from a person described in clause *e* of subsection 1 or paragraph *h* of subsection 1 of section 149 of the *Income Tax Act* (Canada)”.

(4) Subclause ii of clause *b* of subsection 6 of the said section 122 is amended by inserting after “donor” in the second line “other than a person described in clause *e* of subsection 1 or paragraph *h* of subsection 1 of section 149 of the *Income Tax Act* (Canada)” and by inserting after “person” in the fifth line “other than a person described in clause *e* of subsection 1 or paragraph *h* of subsection 1 of section 149 of the *Income Tax Act* (Canada)”.

64.—(1) Subsections 2 and 3 of section 148 of the said Act are repealed and the following substituted therefor:

(3) Every corporation on which a tax is imposed by this Act shall pay to the Treasurer of Ontario,

(a) on or before the fifteenth day of each of the third, fifth, seventh, ninth and eleventh months of the

fiscal year in respect of which the tax is payable and on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable, an instalment equal to one-sixth of the tax payable as estimated by it at the rates for the fiscal year on,

- (i) its estimated taxable income and other subject of tax for the fiscal year, or
 - (ii) its taxable income and other subject of tax for the immediately preceding fiscal year; and
- (b) the balance, if any, of the tax payable for the fiscal year as estimated by it under subsection 2 of section 145,
- (i) on or before the last day of the third month of the fiscal year following that in respect of which the tax is payable, where an amount was deducted by virtue of section 125 of the *Income Tax Act* (Canada) in computing the tax payable by the corporation under Part 1 of that Act for the immediately preceding fiscal year, or
 - (ii) on or before the last day of the second month of the fiscal year following that in respect of which the tax is payable, in any other case.

1970-71,
c. 63 (Can.)

s. 148 (4),
amended

(2) Subsection 4 of the said section 148 is amended by striking out "Notwithstanding subsections 2 and 3" in the first line and inserting in lieu thereof "Notwithstanding subsection 3" and by striking out "2 or" in the fifth line.

s. 149 (2),
amended

65. Subsection 2 of section 149 of the said Act is amended by striking out "2" in the first line.

s. 167 (1),
amended

66.—(1) Subsection 1 of section 167 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 32, is further amended by striking out "1961" in the amendment of 1973 and inserting in lieu thereof "1967".

s. 167 (2),
amended

(2) Subsection 2 of the said section 167, as amended by the Statutes of Ontario, 1973, chapter 157, section 32, is further amended by striking out "1961" in the amendment of 1973 and inserting in lieu thereof "1967".

- 67.**—(1) Subsections 2 and 9 of section 1, paragraph 38*a* of subsection 1 of section 1 of the said Act, as enacted by subsection 4 of section 1 of this Act, section 5, subsection 2 of section 8, section 13, subsections 9, 11 and 12 of section 28, section 30, subsection 1 of section 34, sections 37, 61 and 62, and subsections 1, 3 and 4 of section 63 shall be deemed to have come into force on the 1st day of January, 1974 and apply to corporations in respect of all fiscal years ending after 1973. Commence-
ment and
application
- (2) Subsections 3 and 8 of section 1, paragraph 33*a* of subsection 1 of section 1 of the said Act, as enacted by subsection 4 of section 1 of this Act, subsections 6 to 9 of section 6, subsection 3 of section 7, subsections 8 and 9 of section 8, section 9, subsection 2 of section 15, sections 16, 18 and 21, subsections 2 to 5 and 7 to 12 of section 22, subsections 1, 2, 4 and 5 of section 23, subsections 2, 3 and 8 of section 28, subsection 2 of section 34, subsection 1 of section 43, sections 45, 46, 47, 48, 49, 50 and 51, subsection 2 of section 52, subsection 3 of section 55, sections 58, 59 and 60, and subsection 2 of section 63 shall be deemed to have come into force on the 1st day of January, 1972 and apply to corporations in respect of all fiscal years ending after 1971. Idem
- (3) Sections 32 and 56 come into force on the day this Act receives Royal Assent. Idem
- (4) Subsection 1 of section 1 and section 12 shall be deemed to have come into force on the 1st day of January, 1975 and apply to corporations in respect of all fiscal years ending after 1974. Idem
- (5) Subsection 5 of section 1 shall be deemed to have come into force on the 7th day of May, 1974 and is applicable for the purpose of calculating the paid-up capital of a corporation at the end of its fiscal year ending in 1971 and at any time after the 6th day of May, 1974. Idem
- (6) Subsection 6 of section 1 shall be deemed to have come into force on the 7th day of April, 1975. Idem
- (7) Subsection 7 of section 1 shall be deemed to have come into force on the 1st day of January, 1972 and applies to corporations in respect of all fiscal years ending after 1971. Idem

- Idem (8) Section 2 shall be deemed to have come into force on the 7th day of May, 1974 and applies to corporations in respect of all fiscal years ending after the 6th day of May, 1974.
- Idem (9) Section 3 shall be deemed to have come into force on the 7th day of May, 1974 and applies to corporations in respect of all fiscal years ending after the 6th day of May, 1974.
- Idem (10) Subsection 1 of section 4 shall be deemed to have come into force on the 19th day of November, 1974 and applies to corporations in respect of all fiscal years ending after the 18th day of November, 1974.
- Idem (11) Subsection 2 of section 4 shall be deemed to have come into force on the 8th day of April, 1975 and applies to corporations with respect to all fiscal years that end after the 7th day of April, 1975 except that with respect to the fiscal year that ends after the 7th day of April, 1975 and that includes that day the amount to be determined under clause *o* of subsection 1 of section 16 of the said Act shall be that portion of any amount that becomes receivable in that fiscal year or the fair market value of any property that becomes receivable in that fiscal year that the number of days of that fiscal year that follow the 7th day of April, 1975 bears to the total number of days of that fiscal year.
- Idem (12) Subsection 3 of section 4 shall be deemed to have come into force on the 1st day of January, 1975 and applies to corporations in respect of all fiscal years ending after 1974 and, except in the case of a credit union, any interest that was not included in computing a corporation's income for a fiscal year ending before 1975 but that would have been included in subsection 3 of section 16, as enacted by subsection 3 of section 4 of this Act, had applied shall be included in computing its income for its fiscal year ending in 1975.
- Idem (13) Subsections 1 and 2 of section 6 shall be deemed to have come into force on the 7th day of May, 1974 and apply in respect of timber resource property acquired after the 6th day of May, 1974.
- Idem (14) Subsection 3 of section 6 shall be deemed to have come into force on the 7th day of May, 1974 and applies in respect of amounts that become receivable after the 6th day of May, 1974.

- (15) Subsection 4 of section 6 shall be deemed to have come ^{Idem} into force on the 1st day of January, 1972 and applies to acquisitions of property occurring after the 18th day of November, 1974 and to all fiscal years of corporations ending after 1971 in respect of the repayment on, before or after January 1, 1972 of grants, subsidies or other assistance.
- (16) Subsection 5 of section 6 and subsection 2 of section 7 ^{Idem} shall be deemed to have come into force on the 7th day of May, 1974 and apply to corporations in respect of all fiscal years ending after the 6th day of May, 1974.
- (17) Subsections 10 and 11 of section 6 shall be deemed to ^{Idem} have come into force on the 7th day of May, 1974 and apply in respect of acquisitions of property occurring after the 6th day of May, 1974.
- (18) Subsection 1 of section 7 shall be deemed to have come ^{Idem} into force on the 8th day of April, 1975 and applies to corporations with respect to all fiscal years that end after the 7th day of April, 1975 except that with respect to the fiscal year that ends after the 7th day of April, 1975 and includes that day, the amount paid or payable in the year or the fair market value of property paid in the year shall, for the purposes of clause *n* of subsection 1 of section 22 of the said Act be the aggregate of,
- (a) that portion of the amount determined under that clause as it stood prior to the 8th day of April, 1975, that the number of days of that fiscal year prior to the 8th day of April, 1975 bears to the total number of days of that fiscal year; and
 - (b) that portion of the amount determined under that clause as amended by this Act for that fiscal year that the number of days of that fiscal year that follow the 7th day of April, 1975 bears to the total number of days of that fiscal year.
- (19) Subsection 1 of section 8 shall be deemed to have come ^{Idem} into force on the 19th day of November, 1974 and applies to sales occurring and debts arising after the 18th day of November, 1974.
- (20) Subsections 3, 4, 5, 6 and 7 of section 8 shall be deemed ^{Idem} to have come into force on the 7th day of May, 1974 and apply in respect of dispositions occurring after the 6th day of May, 1974.

- Idem (21) Section 10 shall be deemed to have come into force on the 7th day of May, 1974 and applies to sales of debts occurring after the 6th day of May, 1974.
- Idem (22) Section 11 shall be deemed to have come into force on the 7th day of May, 1974 and applies to sales occurring after the 6th day of May, 1974.
- Idem (23) Section 14 shall be deemed to have come into force on the 7th day of May, 1974 and applies to timber resource property acquired after the 6th day of May, 1974.
- Idem (24) Subsection 1 of section 15 shall be deemed to have come into force on the 7th day of May, 1974 and applies to dispositions occurring after the 6th day of May, 1974.
- Idem (25) Section 17 shall be deemed to have come into force on the 7th day of May, 1974 and applies to amounts that have become receivable after the 6th day of May, 1974.
- Idem (26) Section 19 shall be deemed to have come into force on the 7th day of May, 1974 and applies to extensions or renewals granted after the 6th day of May, 1974.
- Idem (27) Section 20 shall be deemed to have come into force on the 7th day of May, 1974 and applies to exchanges of property occurring after the 6th day of May, 1974.
- Idem (28) Subsection 1 of section 22 shall be deemed to have come into force on the 1st day of January, 1972 and applies in respect of contributions of capital occurring after 1971 in computing the adjusted cost base of a property after 1971.
- Idem (29) Subsection 6 of section 22 shall be deemed to have come into force on the 1st day of January, 1972 and applies in respect of contributions of capital occurring before the 7th day of May, 1974 in computing the adjusted cost base of property after 1971.
- Idem (30) Subsection 13 of section 22 shall be deemed to have come into force on the 19th day of November, 1974 and is applicable for the purpose of computing the adjusted cost base of a property after 1971 in respect of acquisitions of property occurring after the 18th day of November, 1974 and in respect of the repayment after 1971 of grants, subsidies or other assistance.
- Idem (31) Subsection 14 of section 22 and subsection 2 of section 27 shall be deemed to have come into force on the 7th day of May, 1974 and apply in respect of transactions occurring after the 6th day of May, 1974.

- (32) Subsection 3 of section 23 shall be deemed to have come ^{Idem} into force on the 19th day of November, 1974 and applies to dispositions of property occurring after the 18th day of November, 1974.
- (33) Sections 24 and 26 shall be deemed to have come into force ^{Idem} on the 1st day of January, 1975 and apply to corporations in respect of all fiscal years ending after 1974.
- (34) Section 25 shall be deemed to have come into force on the ^{Idem} 7th day of May, 1974 and applies in respect of dispositions occurring after the 6th day of May, 1974.
- (35) Subsection 1 of section 27 shall be deemed to have come ^{Idem} into force on the 19th day of November, 1974 and applies to corporations in respect of all fiscal years ending after the 18th day of November, 1974.
- (36) Subsections 1, 4 and 5 of section 28 shall be deemed ^{Idem} to have come into force on the 7th day of May, 1974 and apply to corporations in respect of all fiscal years ending after the 6th day of May, 1974.
- (37) Subsections 6 and 7 of section 28 shall be deemed to ^{Idem} have come into force on the 7th day of May, 1974 and apply to transactions occurring after the 6th day of May, 1974.
- (38) Subsection 10 of section 28 shall be deemed to have come ^{Idem} into force on the 1st day of January, 1974 and applies to corporations in respect of all fiscal years ending after 1973 except that it shall not apply to any right or interest in property of a trust acquired before the 19th day of November, 1974 in respect of which a deduction has been claimed in respect of a fiscal year ending before 1976 under section 63 of the said Act.
- (39) Section 29 shall be deemed to have come into force on the ^{Idem} 7th day of May, 1974 and applies in respect of appropriations, dispositions or acquisitions of property occurring after the 6th day of May, 1974.
- (40) Section 31 shall be deemed to have come into force on ^{Idem} the 7th day of May, 1974 and applies to exchanges of bonds occurring after the 6th day of May, 1974.
- (41) Section 33 shall be deemed to have come into force on ^{Idem} the 8th day of April, 1975 and applies to amounts or property paid or payable after the 7th day of April, 1975.
- (42) Section 35 shall be deemed to have come into force on ^{Idem} the 19th day of November, 1974 and applies to dividends deemed to have been paid after the 18th day of November, 1974.

- Idem (43) Section 36 shall be deemed to have come into force on the 19th day of November, 1974 and applies to payments made after the 18th day of November, 1974.
- Idem (44) Section 38 shall be deemed to have come into force on the 7th day of May, 1974 and applies to dispositions of property occurring after the 6th day of May, 1974.
- Idem (45) Section 39, except subsection 3 of section 79*a* of the said Act, as enacted by section 39 of this Act, shall be deemed to have come into force on the 7th day of May, 1974 and applies with respect to transactions occurring after the 6th day of May, 1974.
- Idem (46) Subsection 3 of section 79*a* of the said Act, as enacted by section 39 of this Act, shall be deemed to have come into force on the 1st day of January, 1972 and applies to corporations in respect of all fiscal years ending after 1971.
- Idem (47) Section 40 shall be deemed to have come into force on the 7th day of May, 1974 and applies in respect of dispositions after the 6th day of May, 1974 by a person of shares of any class of the capital stock of a corporation in the course of a reorganization of the capital of the corporation.
- Idem (48) Subsections 1 and 3 of section 41 shall be deemed to have come into force on the 1st day of January, 1972 and apply to amalgamations occurring after 1971.
- Idem (49) Subsections 2 and 4 to 15 of section 41 shall be deemed to have come into force on the 7th day of May, 1974 and apply to amalgamations occurring after the 6th day of May, 1974, except that subsection 8 of section 81 of the said Act, as enacted by subsection 15 of section 41 of this Act, shall be deemed to have come into force on the 1st day of January, 1972 and applies in respect of mergers occurring after 1971.
- Idem (50) Subsections 1 to 7 of section 42 shall be deemed to have come into force on the 7th day of May, 1974 and apply in respect of any winding up occurring after the 6th day of May, 1974, except that subclauses *ia* and *ib* of clause *d* of subsection 1 of section 82 of the said Act, as enacted by subsection 3 of section 42 of this Act, are applicable for the purpose of computing the adjusted cost base of the property after February, 1975.

- (51) Subsection 8 of section 42 shall be deemed to have come ^{Idem} into force on the 1st day of January, 1972 and applies in respect of any winding-up occurring after 1971.
- (52) Subsection 2 of section 43 shall be deemed to have come ^{Idem} into force on the 7th day of May, 1974 and applies for the purpose of computing the paid-up capital of a corporation at the end of its fiscal year ending in 1971 and at any time after the 6th day of May, 1974.
- (53) Subsections 3, 4 and 5 of section 43 shall be deemed to ^{Idem} have come into force on the 7th day of May, 1974 and are applicable for the purpose of computing paid-up capital deficiency after the 6th day of May, 1974.
- (54) Subsection 6 of section 43 shall be deemed to have come ^{Idem} into force on the 7th day of May, 1974 and is applicable in computing 1971 capital surplus on hand after the 6th day of May, 1974.
- (55) Subsection 7 of section 43 shall be deemed to have come ^{Idem} into force on the 7th day of May, 1974 and is applicable in computing paid-up capital deficiency or 1971 capital surplus on hand after the 6th day of May, 1974, except that subsection 4 of section 83 of the said Act, as enacted by subsection 7 of section 43 of this Act, shall be deemed to have come into force on the 1st day of January, 1972 and applies to corporations in respect of all fiscal years ending after 1971.
- (56) Section 44 shall be deemed to have come into force on ^{Idem} the 7th day of May, 1974 and is applicable for the purpose of computing the paid-up capital of a corporation at the end of its fiscal year ending in 1971 and at any time after the 6th day of May, 1974.
- (57) Subsection 1 of section 52 and section 53 shall come ^{Idem} into force on the 1st day of January, 1976 and apply to corporations in respect of all fiscal years ending after 1975.
- (58) Subsections 3 and 4 of section 52 shall be deemed to ^{Idem} have come into force on the 7th day of May, 1974 and apply to losses arising after the 6th day of May, 1974, except that subsection 4a of section 100 of the said Act, as enacted by subsection 3 of section 52 of this Act, is applicable for the purpose of determining the fair market value of a share after the 18th day of November, 1974.

Idem

- (59) Section 54 shall be deemed to have come into force at 3:00 o'clock in the afternoon on the 13th day of February, 1975 and applies to corporations in respect of all fiscal years ending after February 12th, 1975.

Idem

- (60) Subsections 1, 2 and 4 of section 55 shall be deemed to have come into force on the 7th day of May, 1974.

Idem

- (61) Section 57 shall be deemed to have come into force on the 8th day of April, 1975 and applies to corporations in respect of all fiscal years ending after the 7th day of April, 1975, except that with respect to the fiscal year that ends after the 7th day of April, 1975 and that includes that day, the following rules apply:

- (a) determine the deduction under section 106*a* of the said Act as that section stood prior to the 8th day of April, 1975 that, but for the rules made applicable by this section, would be deductible by the corporation for that fiscal year on the assumption that that section was applicable to that fiscal year;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of the fiscal year prior to the 8th day of April, 1975 bears to the total number of days of the fiscal year;
- (c) determine the deduction under section 106*a* of the said Act as amended by this Act that, but for the rules made applicable by this Part, would be deductible by the corporation for that fiscal year on the assumption that that section was applicable to that fiscal year.
- (d) determine the proportion of the amount determined under clause *c* that the number of days of that fiscal year that follow the 7th day of April, 1975 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation;

and the aggregate determined under clause *e* is the amount that is deductible by a corporation, under section 106*a* of the said Act as amended by this Act, for its fiscal year that ends after the 7th day of April, 1975 and that includes that day.

Idem

- (62) Sections 64 and 65 shall come into force on the 1st day of August, 1975, and apply to corporations in respect of all fiscal years ending after the 31st day of July, 1975.

- (63) Section 66 shall be deemed to have come into force on the ^{Idem} 1st day of January, 1975.
- 68.** This Act may be cited as *The Corporations Tax Amendment Act*, ^{Short title} 1975.

CHAPTER 18

**An Act to amend
The Ministry of Culture and Recreation Act, 1974**

Assented to May 2nd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Culture and Recreation Act, 1974*, being ^{ss. 8a-8g, enacted} chapter 120, is amended by adding thereto the following sections:

8a. The Minister shall, on his own initiative and through ^{Citizenship functions of Minister} co-operation with the ministers having charge of the ministries of the public service of Ontario, with the ministers having charge of the departments of the public service of Canada, with municipal councils, with school boards and boards of education, with other organizations and otherwise, in the cause of human betterment, advance and encourage the concept and ideal of full and equal citizenship among the residents of Ontario in order that all may exercise effectively the rights, powers and privileges and fulfil the obligations, duties and liabilities of citizens of Canada within the Province of Ontario.

8b.—(1) The Lieutenant Governor in Council may make ^{Regulations, community programs, etc.} regulations,

- (a) providing for programs with respect to adult education, culture, recreation, camping and physical education;
- (b) governing the granting of municipal recreation directors' interim and permanent certificates and arena managers' certificates;
- (c) authorizing,
 - (i) the council of a municipality or the council of the band to appoint a recreation committee

with the approval of the Minister, or the councils of two or more municipalities or the councils of two or more bands or the council of one or more municipalities and bands to appoint a joint recreation committee with the approval of the Minister,

- (ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,
- (iii) joint recreation committees or recreation committees in municipalities or on reserves to appoint area recreation committees and area recreation directors,
- (iv) two or more municipalities or bands to enter into agreements,
- (v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and
- (vi) where territory without municipal organization is within the jurisdiction of two boards, such boards or a board and the council of one or more bands to appoint, with the approval of the Minister, a joint recreation committee for such territory without municipal organization as may be agreed upon by the two boards or a board and the council of one or more bands, as the case may be,

for the purposes of programs of recreation, and adult education and, for the purposes of this clause, "band", "council of the band", and "reserve" have the same meaning as in the *Indian Act* (Canada) and "board" means a board as defined in *The Education Act, 1974*;

- (d) prescribing the composition of recreation committees, joint recreation committees and area recreation committees, and fixing the number or maximum number of members thereof, for the purpose of programs of recreation;
- (e) prescribing definitions of joint recreation program, joint recreation committee, municipal recreation

program, municipal recreation services, municipal recreation director, assistant municipal recreation director, recreation program, and recreation committee;

- (f) prescribing a definition of "approved maintenance and operating costs" for the purpose of legislative grants for programs of recreation, and requiring that "approved maintenance and operating costs" be subject to the approval of the Minister;
- (g) providing for the apportionment and distribution of moneys appropriated or raised by the Legislature for,
 - (i) programs of adult education, culture, recreation, camping and physical education, and
 - (ii) leadership training camps;
- (h) prescribing the conditions governing the payment of grants for programs of adult education, culture, recreation, camping or physical education under the authority of the Minister, and providing for the approval of the Minister in any condition;
- (i) authorizing the Minister to determine the number of assistants and area community programs in respect of which grants may be paid for programs of recreation;
- (j) authorizing the payment, with the approval of the Minister, of special grants for programs of recreation, and fixing the amounts thereof.

(2) Any regulations made under this section and filed under *The Regulations Act* before the 30th day of June, 1975 may be made to apply retroactively to a date not earlier than the 1st day of January, 1975. Idem
R.S.O. 1970,
c. 410

8c.—(1) The Minister may establish, maintain and conduct camps for leadership training. Leadership
training
camps

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of the moneys appropriated therefor by the Legislature. Expenses

8d. The Lieutenant Governor in Council or the Minister may, out of moneys appropriated therefor by the Legislature, direct payment from time to time of grants and contribu- Grants re
programs of
culture and
recreation

tions for consultation, research and evaluation services with respect to programs involving culture and recreation including community development services and for the provision, encouragement and development of community development programs and programs involving culture and recreation.

Agreements
for the
provision of
programs

8e. The Minister may enter into agreements with organizations, municipalities or other persons or corporations respecting the provision of programs involving culture and recreation including community development programs and facilities and personnel relating thereto upon such terms and conditions as may be agreed, and he may direct, out of moneys appropriated by the Legislature, the payment of such expenditures as are necessary for such purposes.

Agreements

8f. The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Government of Ontario, make agreements with the Crown in right of Canada respecting,

- (a) any matter for the administration of which the Minister is responsible; and
- (b) the payment by Canada to Ontario of any portion of any expenditures made before or after this Act comes into force by Ontario or by any municipality under any Act of Ontario.

Interpre-
tation

R.S.C. 1970,
c. I-6

8g.—(1) In this section, “Indian” means a person who is registered as an Indian or entitled to be registered as an Indian under the *Indian Act* (Canada).

Advisory
committee

(2) The Lieutenant Governor in Council may appoint an advisory committee composed of such number of persons as are considered appropriate to advise the Minister on all matters under this Act and to make recommendations to him from time to time respecting any other matter that may encourage Indians in the development of their independence and promote their integration with the rest of the community.

Reference
to
Minister

2.—(1) A reference to the Minister in subsection 1 of section 5 of *The Ministry of Colleges and Universities Act, 1971*, being chapter 66, with respect to the Art Gallery of Ontario and The Royal Ontario Museum shall be deemed to be a reference to the Minister of Culture and Recreation.

Idem

(2) A reference to the Minister in subsection 2 of the said section 5 shall be deemed to be a reference to the Minister of Culture and Recreation.

- 3.**—(1) A reference to the Minister in clause *d* of section 4 of *The Ontario Universities Capital Aid Corporation Act*,^{Reference to Minister} being chapter 331 of the Revised Statutes of Ontario, 1970, shall be deemed to be a reference to the Minister of Culture and Recreation.
- (2) A reference to the Minister in subsection 4 of section 11^{Idem} of the said Act shall be deemed to be a reference to the Minister of Culture and Recreation.
- 4.**—(1) Section 6*a* of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is repealed.^{s. 6*a*, repealed}
- (2) Section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 1, section 19 and amended by 1974, chapter 95, section 4, is repealed.^{s. 6*b*, repealed}
- (3) Section 6*c* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is repealed.^{s. 6*c*, repealed}
- 5.** Section 4 of *The Indian Welfare Services Act*, being chapter 218 of the Revised Statutes of Ontario, 1970, is repealed.^{s. 4, repealed}
- 6.** This Act shall be deemed to have come into force on the 1st day of April, 1975.^{Commence-ment}
- 7.** This Act may be cited as *The Ministry of Culture and Recreation Amendment Act, 1975*.^{Short title}

CHAPTER 19

An Act to amend The Expropriations Act

Assented to May 2nd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Expropriations Act*, being chapter 154 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:
- s. 30a,
enacted

30a. Where the owner of land consents to the acquisition of the land by a statutory authority, the statutory authority or the owner, with the consent of the other, may apply to the Board for the determination of the compensation to which the owner would be entitled by this Act if the land were expropriated, and the Board may determine the compensation and the provisions of this Act and the regulations respecting the determination of compensation, hearings and procedures, including costs and appeals, apply thereto in the same manner as if the land had been expropriated and for the purpose, subject to any agreement of the parties, the compensation shall be assessed as of the date on which the consent to the acquisition is given.

Arbitration
where no
expropriation

2. This Act comes into force on the day it receives Royal Assent.
- Commence-
ment
3. This Act may be cited as *The Expropriations Amendment Act, 1975*.
- Short title

CHAPTER 20

An Act to amend The Forestry Act*Assented to May 2nd, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Forestry Act*, being chapter 181 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (b), re-enacted

(*b*) “Minister” means the Minister of Natural Resources;

(*ba*) “Ministry” means the Ministry of Natural Resources.

2. The said Act is amended by adding thereto the following section: s. 3a, enacted

3a.—(1) The Minister, subject to the approval of the Lieutenant Governor in Council, may establish programs for the encouragement of forestry. Establishment of programs

(2) A program may determine the conditions under which services are provided by the Ministry and expenses are allowed or grants are payable. Conditions to services or grants

(3) A program may require that fees be paid by persons engaged in forestry to which the program applies and may fix the amounts thereof. Fees

(4) A program may be made effective retroactively to a date not earlier than the 1st day of January, 1973. Program may be retro-active

(5) The moneys required for the purposes of a program shall, in respect of the years 1973 and 1974, be paid out of the Consolidated Revenue Fund and for any year thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Forestry Amendment Act, 1975*. Short title

CHAPTER 21

An Act to amend The Training Schools Act*Assented to May 16th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Training Schools Act*, being chapter 467 of the Revised Statutes of Ontario, 1970, is repealed. s. 8,
repealed
2. Subsection 1 of section 13 of the said Act is repealed. s. 13 (1),
repealed
3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
4. This Act may be cited as *The Training Schools Amendment Act, 1975*. Short title

CHAPTER 22

**An Act to amend
The Municipality of Metropolitan Toronto Act**

Assented to May 16th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 43 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out “not exceeding one-half of 1 per cent for each month or fraction thereof” in the fifth and sixth lines and inserting in lieu thereof “of 12 per cent per annum, or such lower rate as the Metropolitan Council determines” s. 43 (2),
amended
2. Subsection 2 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 6, is amended by striking out “twenty-one” in the third line and inserting in lieu thereof “sixty” s. 96 (2),
amended
3. Subsection 2 of section 109 of the said Act is amended by striking out “buses owned and operated by” in the fifth line and inserting in lieu thereof “horse-drawn vehicles used for the purpose of providing sightseeing tours, buses owned and operated by or operated pursuant to a contract with” s. 109 (2),
amended
4. The said Act is amended by adding thereto the following sections: ss. 207a, 207b,
enacted

207a.—(1) In this section,

**Interpre-
tation**

- (a) “Board” means the Board of Management of the Corporation;
- (b) “Corporation” means the Exhibition Stadium Corporation;
- (c) “Exhibition Stadium” means the land and buildings in Exhibition Park known as the Canadian National Exhibition Stadium in The Municipality

of Metropolitan Toronto used for athletic contests, sporting events and public entertainments.

R.S.O. 1970,
c. 89, not
to apply

(2) *The Corporations Act* does not apply to the Corporation.

Corporation
established

(3) There is hereby established a corporation without share capital under the name of "Exhibition Stadium Corporation" having as its purpose and objects, the operation, management and maintenance of the Exhibition Stadium as a stadium for the holding of athletic contests, sporting events, public entertainments and meetings.

Board of
Management

(4) There shall be a Board of Management of the Corporation consisting of seven members and composed of,

- (a) three members appointed by the Canadian National Exhibition Association from among its membership;
- (b) two members appointed by the Lieutenant Governor in Council;
- (c) the Metropolitan Chairman or his delegate who shall be a member of the Metropolitan Council; and
- (d) one member appointed by the Metropolitan Council, who shall be a member of the Metropolitan Council.

Term of
office

(5) The members of the Board to be appointed under clauses *a* and *b* of subsection 4 shall be appointed for a term of office not exceeding three years, and the member of the Board to be appointed under clause *d* of subsection 4 shall be appointed for a term of office not exceeding his term of office in the Metropolitan Council, provided that such members shall be eligible for reappointment and provided that a member of the Board may at any time be removed from office before the expiration of his term by the person or body responsible under subsection 4 for his appointment, and such vacancy, or a vacancy resulting from death or resignation, may be filled by such person or body for the remainder of the unexpired term.

Chairman,
vice-
chairman
and quorum

(6) The Board shall elect a chairman from among its members appointed by the Canadian National Exhibition Association and may elect a vice-chairman, and a majority of the members of the Board constitutes a quorum for the transaction of business at meetings of the Board.

Powers
of
Corporation

(7) The Corporation shall have,

- (a) a head office in The Municipality of Metropolitan Toronto;

(b) a corporate seal upon which its corporate name shall appear;

(c) capacity to sue and be sued in its own name;

(d) capacity to enter into contracts, including contracts of employment, in its own name; and

(e) all powers incidental or conducive to the attainment of the purpose and objects of the Corporation set out in subsection 3.

(8) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation. By-laws

(9) The Board shall manage or supervise the management of the business and affairs of the Corporation. Management

(10) The Metropolitan Council may by by-law establish general policies to be followed by the Corporation in the operation, management and maintenance of Exhibition Stadium. By-laws

(11) Except for the purposes of *The Ontario Municipal Employees Retirement System Act*, the Board shall be deemed not to be a local board of the Metropolitan Corporation. Board deemed not local board
R.S.O. 1970,
c. 324

(12) The accounts and transactions of the Corporation shall be audited by the auditor for the Metropolitan Corporation. Audit

(13) The Metropolitan Corporation shall be entitled to receive any surplus resulting from the operations of the Corporation and shall be responsible for any deficit incurred by the Corporation. Surplus or deficit

(14) The Corporation may borrow money for its purposes with the prior approval of the Metropolitan Council. Borrowing powers

(15) The Metropolitan Corporation may enter into one or more agreements with the Corporation providing for the management and control of Exhibition Stadium by the Corporation on such terms and conditions as the Metropolitan Council may consider proper. Agreements

(16) The occupation, management and control of Exhibition Stadium by the Corporation under an agreement under subsection 15 shall be deemed, for the purposes of paragraph 9 of section 3 of *The Assessment Act*, to be Taxation
R.S.O. 1970,
c. 32

occupation, management and control by the Metropolitan Corporation of lands used for the purposes set out in subsection 3 of section 207 of this Act.

Stadia

207*b*. The Metropolitan Corporation may acquire, erect, alter, maintain, operate and manage stadia, and may charge fees in connection therewith.

s. 214 (15),
amended

5. Subsection 15 of section 214 of the said Act is amended by striking out "one-half of 1 per cent for each month or fraction thereof that the payment is overdue" in the third and fourth lines and inserting in lieu thereof "12 per cent per annum or such lower rate as the Metropolitan Council determines, from the date payment is due until it is made".

s. 223 (18),
amended

- 6.—(1) Subsection 18 of section 223 of the said Act is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America, or Great Britain.

s. 223 (19),
amended

- (2) Subsection 19 of the said section 223 is amended by inserting after "Britain" in the third line "or in any currency other than that of Canada".

s. 223 (20),
amended

- (3) Subsection 20 of the said section 223 is amended by striking out "3½" in the third line and inserting in lieu thereof "5".

s. 223 (30),
amended

- (4) Subsection 30 of the said section 223 is amended by adding thereto the following clauses:

(*e*) in securities issued by the United States of America;

(*f*) in such other securities as are authorized by the Lieutenant Governor in Council.

s. 223 (40),
re-enacted

- (5) Subsection 40 of the said section 223 is repealed and the following substituted therefor:

Surplus

(40) When, after the debentures for which any sinking fund was provided have been paid off or fully provided for, there is a surplus in a sinking fund account, the sinking fund committee shall,

(*a*) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes:

- (i) to retire unmatured debentures of the Metropolitan Corporation or of an area municipality,
- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Metropolitan Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,
- (iv) to defray the cost of other capital expenditures in lieu of the issue of debentures therefor,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Metropolitan Council, the council of an area municipality, The Metropolitan Toronto School Board for public schools, The Metropolitan Toronto School Board for secondary schools, a board of education for public schools, a board of education for secondary schools, the Toronto Transit Commission, a hydro-electric system and the metropolitan waterworks in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

7. Section 231 of the said Act is amended by adding thereto the following subsection: s. 231,
amended

(4) Where debentures are payable in a currency other than that of Canada, the Metropolitan Council may provide that the Debenture Registry Book of the Metropolitan Corporation in respect of such debentures be maintained outside Canada by a person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Metropolitan Council considers appropriate. When
Debenture
Registry
Book may
be
maintained
outside
Canada

8. This Act comes into force on the day it receives Royal Assent. Commence-
ment

9. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1975*. Short title

CHAPTER 23

**An Act to amend
The Municipal Elections Act, 1972**

Assented to May 16th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 117 of *The Municipal Elections Act, 1972*, being ^{s. 117, re-enacted} chapter 95, as re-enacted by the Statutes of Ontario, 1974, chapter 32, section 41, is repealed and the following substituted therefor:

117.—(1) The Minister may by order prescribe the forms ^{Forms} required for the purposes of this Act, which forms may be in both the English and French languages.

(2) In the event that the council of any municipality or a local board thereof is unable, for a period of two months, to hold a meeting of the council or of the local board because of failure to obtain a quorum, the Minister may by order declare the seats of the members of the council or local board to be vacant and a new election shall be held in accordance with the provisions of this Act. ^{Minister may declare seats vacant}

(3) In the event that the seats of a majority of the members of a council or of a local board are for any reason declared vacant, the Minister may by order provide for the fulfilling of the duties and obligations of the council or local board until such time as a new election is held in accordance with this Act and the members so elected have taken office. ^{Interim administration}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Municipal Elections Amendment Act, 1975*. ^{Short title}

CHAPTER 24

The Royal Canadian Legion Act, 1975

Assented to May 16th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Notwithstanding any general or special Act, real property in Ontario held by the Ontario Command of The Royal Canadian Legion, those duly constituted branches of the Manitoba and Northwestern Ontario Provincial Command operating within Ontario, the Dominion Command and every duly constituted branch of The Royal Canadian Legion within Ontario shall not be sold, leased, mortgaged, pledged, hypothecated or otherwise alienated, in any manner whatsoever unless it is so resolved by a two-thirds majority vote of the members of the Executive Committee of the Command or of the members of the branch, as the case may be, in good standing present and voting, at a special or regular general meeting of the Executive Committee of the Command or the members of the branch, for which notice of the resolution has been given to all members of the Executive Committee of the Command or of the branch in good standing, by mailing a notice to each member at his last known address, not less than ten days prior to such meeting.
- 2.** This Act comes into force on the day it receives Royal Assent.
- 3.** This Act may be cited as *The Royal Canadian Legion Act, 1975*.

Power of
Command
and
branches
to sell,
etc.,
property

Commence-
ment

Short title

CHAPTER 25

An Act to amend The Juries Act, 1974*Assented to June 6th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Juries Act, 1974*, being chapter 63, is ^{s. 9, amended} amended by striking out “delivery” in the sixth line and inserting in lieu thereof “certification”.
2. Section 20 of the said Act is amended by striking out “or ^{s. 20, amended} to the local registrar” in the fifth line.
3. Subsections 3 and 4 of section 23 of the said Act are <sup>s. 23 (3), re-enacted
s. 23 (4), repealed</sup> repealed and the following substituted therefor:

(3) Subject to subsection 5, where, upon receipt of such ^{Notice to jurors} notice it appears to the sheriff that the attendance of jurors is not required or not required until a later date, the sheriff shall forthwith by registered mail or otherwise, as he considers expedient, notify in the form prescribed by the regulations each person summoned to serve as a juror that his attendance at the sittings is not required or is not required until the day specified in the notice.
4. Section 26 of the said Act is repealed and the following ^{s. 26, re-enacted} substituted therefor:

26.—(1) Where jurors are summoned for a jury sittings, ^{Release of jurors before sittings} a local judge of the High Court where the sittings are of the Supreme Court or a judge of the county court where the sittings are of the county court or court of general sessions of the peace may, at any time before the sittings, release from or postpone service of any number of jurors summoned for the sittings.

(2) The judge presiding at the sittings may release from ^{Release during sittings} or postpone service of any number of jurors summoned for the sittings.

Transfer
to another
panel

(3) Jurors released from service at a sittings under this section may be resummoned by the sheriff for service at any other sittings, whether of the same or any other court, held concurrently with or immediately following the sittings from which they were released.

Constitution
of panel

(4) Where jurors have been released from service or their service has been postponed under this section, the remaining jurors constitute the panel, and jurors recalled or resummoned under this section form part of the panel to which they are added.

s. 40 (3),
re-enacted

- 5.** Subsection 3 of section 40 of the said Act is repealed and the following substituted therefor:

When fees
payable

(3) A juror is not entitled to fees or expenses in respect of days that he does not or is not required to attend.

s. 42 (3) (a),
amended

- 6.** Clause *a* of subsection 3 of section 42 of the said Act is amended by striking out “7” in the second line and inserting in lieu thereof “5”.

s. 44 (2),
amended

- 7.** Subsection 2 of section 44 of the said Act is amended by striking out “or articled clerk” in the first and second lines.

Commence-
ment

- 8.** This Act comes into force on the day it receives Royal Assent.

Short title

- 9.** This Act may be cited as *The Juries Amendment Act, 1975*.

CHAPTER 26

**An Act to amend
The Ministry of Community and
Social Services Act**

Assented to June 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6d of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 56, section 2 and amended by 1972, chapter 149, section 1, is further amended by inserting after “services” in the sixth line “community services” and by striking out “community development services and other social” in the eighth line and inserting in lieu thereof “and other social or community”. s. 6d,
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1975*. Short title

CHAPTER 27

The Liquor Control Act, 1975*Assented to June 6th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “beer”, “liquor”, “spirits”, “wine” and “Ontario wine” have the same meaning as in *The Liquor Licence Act, 1975*, c....
- (b) “Board” means the Liquor Control Board of Ontario continued under section 2;
- (c) “government store” means a store established or authorized under this Act by the Board for the sale of spirits, beer or wine;
- (d) “manufacturer” means a person authorized under an Act of the Parliament of Canada to manufacture or produce any liquor;
- (e) “Minister” means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as the Lieutenant Governor in Council may designate.

2.—(1) The Liquor Control Board of Ontario is continued and shall consist of not more than five members appointed by the Lieutenant Governor in Council.

Liquor
Control
Board
continued

(2) The members of the Board shall be appointed to hold office for a term not exceeding five years and may be re-appointed for further succeeding terms not exceeding five years each.

Terms of
office

(3) The Lieutenant Governor in Council shall designate one of the members to be Chairman of the Board and may designate one of the members to be Vice-Chairman of the Board.

Chairman
and Vice-
Chairman

Acting
Chairman

(4) In case of the absence or illness of the Chairman or there being a vacancy in the Office of the Chairman, the Vice-Chairman or, if none, such director as the Board designates for such purpose shall act as and have all the duties and powers of the Chairman.

Remunera-
tion of
members

(5) The members of the Board shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Seat in
Assembly
not vacated
R.S.O. 1970,
c. 240

(6) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the Chairman or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly.

Power and
purposes of
Board

3. The purposes of the Board are, and it has power,

- (a) to buy, import and have in its possession for sale, and to sell, liquor and other products containing alcohol and non-alcoholic beverages;
- (b) to control the sale, transportation and delivery of liquor;
- (c) to make provision for the maintenance of warehouses for liquor and to control the keeping in and delivery from any such warehouses;
- (d) to establish government stores for the sale of liquor to the public;
- (e) to authorize manufacturers of beer or Ontario wine to sell their beer or Ontario wine to the public in stores owned and operated by the manufacturers and to authorize Brewers' Warehousing Company Limited to operate stores for the sale of beer to the public;
- (f) to control and supervise the marketing methods and procedures of manufacturers including the operation of government stores by persons authorized under clause e;
- (g) subject to *The Liquor Licence Act, 1975*, to determine the municipalities within which government stores shall be established or authorized and the location of such stores in such municipalities;

- (h) to determine the classes, varieties and brands of liquor to be kept for sale at government stores and maintain standards therefor;
- (i) to fix the prices at which the various classes, varieties and brands of liquor are to be sold and, except in the case of liquor sold through an outlet designated by the Minister of National Revenue under the *Excise Act* (Canada) as a duty free sales outlet, ^{R.S.C. 1970, c. E-13} such prices shall be the same at all government stores;
- (j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold;
- (k) to appoint one or more vendors of sacramental wines in any municipality and to control the keeping for sale, sale and delivery of sacramental wines;
- (l) to lease or, subject to the approval of the Lieutenant Governor in Council, to purchase such land and buildings and erect such buildings as are necessary for the purposes of the Board;
- (m) to require manufacturers of liquor to furnish such samples of their products to the Board as the Board may require;
- (n) to do all things necessary for the management and operation of the Board in the conduct of its business.

4.—(1) The Chairman shall preside at all meetings of the Board, or, in his absence, or if the office of Chairman is vacant, the Vice-Chairman has all the powers and shall perform all the duties of the Chairman. ^{Duties of Chairman}

(2) The Chairman shall be the chief executive of the Board and shall devote his full time to the work of the Board, and the other members shall devote such time as is necessary for the due performance of their duties as members of the Board. ^{Idem}

(3) Subject to the approval of the Lieutenant Governor in Council, the Board may employ such officers, inspectors and employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment. ^{Staff}

Employees' superannuation benefits
R.S.O. 1970, c. 387

(4) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Board as though the Board had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Corporation
R.S.O. 1970, c. 89

(5) The Board is a corporation to which *The Corporations Act* does not apply.

Payment of costs from revenues

5.—(1) All expenses incurred and expenditures made by the Board in the conduct of its affairs shall be paid out of the revenues of the Board.

Payments into Consolidated Revenue Fund

(2) The net profits of the Board shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct.

Financial statements

(3) The accounts of the Board shall be made up to the 31st day of March in each year, and at such other times as is determined by the Lieutenant Governor in Council, and in every case the Board shall prepare a balance sheet and statement of profit and loss.

Reports to Treasurer

(4) The Board shall submit to the Treasurer of Ontario, at such times as he may prescribe, reports setting out the net profit and net profit forecasts of the Board and such reports shall contain such information as he may prescribe.

Audit

6. The accounts and financial transactions of the Board shall be audited annually by the Provincial Auditor.

Annual reports

7.—(1) The Board shall make a report annually to the Minister upon the affairs of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports

(2) The Board shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) governing the sale and distribution of liquor by manufacturers;
- (b) governing the manner in which liquor may be kept, stored or transported by manufacturers;
- (c) prescribing standards for liquor sold in Ontario by manufacturers;

- (d) prescribing the days and hours when government stores or any class of them may be open;
- (e) requiring manufacturers to furnish the Board with such returns and information respecting the sale of liquor as is prescribed;
- (f) prescribing forms for the purposes of this Act and providing for their use;
- (g) governing the purchase of liquor under a permit issued by the Liquor Licence Board and requiring the payment of fees on such purchases and prescribing the amounts thereof.

9. The following are repealed:

Repeals

1. *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970.
2. *The Liquor Control Amendment Act, 1971*, being chapter 36.
3. *The Liquor Control Amendment Act, 1971*, being chapter 88.
4. *The Liquor Control Amendment Act, 1973*, being chapter 69.
5. Paragraph 18 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

11. This Act may be cited as *The Liquor Control Act*, 1975.

Short title

CHAPTER 28

An Act to amend The Mortgage Brokers Act

Assented to June 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Mortgage Brokers Act*, being chapter 278 of the Revised Statutes of Ontario, 1970, is amended by inserting after “Act” in the first line “except sections 11 to 21”.

s. 2,
amended
2. The said Act is amended by renumbering section 21 as section 10 and by adding thereto the following sections:

s. 21,
renumbered,
ss. 11-19,
enacted

11.—(1) In sections 11 to 19,

Interpre-
tation

- (a) “mortgage transaction” means the borrowing of money on the security of real property or the assignment of a mortgage for consideration;
- (b) “subdivision” means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease and includes land divided or proposed to be divided into condominium units.

(2) Sections 12 to 19 apply to mortgage transactions on the security of lots or units in a subdivision outside Ontario where the mortgagor or assignor is the owner of an interest in five or more such lots or units or has been the owner of such an interest at any time in the preceding five years.

Application
of ss. 12 to 19

(3) Sections 12 to 19 do not apply to mortgage transactions in which the mortgagee or assignee is a bank to which the *Bank Act* (Canada) applies or a loan or trust company.

Idem
R.S.C. 1970,
c. B-1

R.S.O. 1970,
cc. 254, 224

registered under the *Loan and Trust Corporations Act* or an insurance company licensed under the *Insurance Act*.

Mortgage
transactions
where land
outside
Ontario

12.—(1) No person shall enter into or negotiate a mortgage transaction in respect of a lot or unit of land in a subdivision located outside Ontario unless,

- (a) a prospectus containing the prescribed information has been filed with the Registrar and the Registrar has issued a certificate of acceptance;
- (b) he is a registered mortgage broker or the mortgage transaction is negotiated by a registered mortgage broker;
- (c) a copy of the prospectus or such shorter form of the prospectus as the Registrar approves for distribution to the public has been delivered to the prospective lender or assignee;
- (d) the prospective lender or assignee has in writing acknowledged receipt of a copy of a prospectus or shorter form of prospectus and has been afforded an opportunity to read it.

Inspection
of
acknowledg-
ments

(2) Every acknowledgment referred to in subsection 1 shall be retained by the mortgagor, assignor or mortgage broker and be available for inspection by the Registrar for a period of not less than three years.

Rescission

(3) A lender or assignee who has entered into a mortgage transaction to which subsection 1 applies is entitled to rescission of the contract if,

- (a) subsection 1 has not been complied with; and
- (b) written notice of exercising the right of rescission is served on the mortgagor, assignor or mortgage broker within ninety days of the signing of the contract.

Onus

(4) In an action for rescission under subsection 3, the onus of proving compliance with subsection 1 rests upon the mortgagor or assignor.

Rights
reserved

(5) The right of rescission provided in this section is in addition to any other rights that the lender or assignee may have in respect of the contract or arrangement.

13. Each prospectus submitted to the Registrar for filing shall be accompanied by, Material filed with prospectus

- (a) an affidavit of the proposed mortgagor or assignor or, where the proposed mortgagor or assignor is a corporation, any two officers or an officer and a director, as to the correctness of every matter of fact stated in the prospectus;
- (b) a copy of every plan referred to in the prospectus;
- (c) a copy of every form of contract referred to in the prospectus;
- (d) such documents as the Registrar may require to support any statement of fact, proposal or estimate set out in the prospectus;
- (e) such financial particulars of the proposed mortgagor or assignor as the Registrar may require; and
- (f) the prescribed fees.

14.—(1) The Registrar may make such inquiries with respect to a prospectus as are necessary to determine whether a certificate of acceptance should be issued, including, Inquiries by Registrar

- (a) an examination of the subdivision and any of the surrounding circumstances; and
- (b) the obtaining of reports from public authorities or others within or outside Ontario.

(2) The reasonable and proper costs of such inquiries or reports shall be borne by the person on whose behalf the prospectus was filed. Costs

15.—(1) The Registrar shall grant a certificate of acceptance except where it appears that, Refusal of certificate of acceptance

- (a) the prospectus contains any statement, promise or forecast that is misleading, false or deceptive, or has the effect of concealing material facts;
- (b) adequate provision has not been made for the protection of deposits or other funds or for assurance of title or other interest contracted for;

- (c) the prospectus fails to comply in any substantial respect with any of the requirements prescribed;
- (d) the requirements of section 13 have not been complied with in any substantial respect;
- (e) the proposed methods of offering do not accord with standard real estate practices in Ontario.

Application
of s. 7

(2) Where the Registrar proposes to refuse to grant a certificate of acceptance, he shall serve notice of his proposal to refuse on the person on whose behalf the prospectus was filed and section 7 applies *mutatis mutandis* to the proposal in the same manner as to a proposal to refuse to register an applicant.

Revocation
of
certificate
of acceptance

16.—(1) Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in subsection 1 of section 15 exist or there has been any contravention of the Act or regulations, he may revoke the certificate of acceptance, which thereupon shall be deemed not to be issued.

Application
of s. 7

(2) Subject to subsection 3, the Registrar shall not revoke a certificate of acceptance and make an order under subsection 1 without serving notice of his proposal to revoke the certificate and make the order, together with written reasons therefor, on the person on whose behalf the prospectus was filed, and section 7 applies *mutatis mutandis* to the proposal in the same manner as to a proposal by the Registrar to revoke a registration.

Interim
suspension

(3) Where the Registrar proposes to revoke a certificate of acceptance, the Registrar may, where the Registrar considers it to be necessary in the public interest, by order temporarily suspend the certificate of acceptance and the order shall take effect immediately and where a hearing is required, the order expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

Amendment
of
prospectus

17.—(1) If a change occurs with regard to any of the matters set out in any prospectus,

- (a) that would have the effect of rendering a statement in the prospectus false or misleading; or

- (b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,

the person who filed the prospectus shall, within twenty days of the change occurring, notify the Registrar in writing of the change and shall file an amendment to the prospectus or a new prospectus as the Registrar may direct.

(2) Sections 13 to 16 apply *mutatis mutandis* where a prospectus is amended or new prospectus filed under subsection 1. Application of ss. 13-16

18. A certificate of acceptance expires twelve months after it is issued and shall thereupon be deemed not to be issued, subject to the right to file a new prospectus and obtain a certificate of acceptance therefor in accordance with this Act. Expiration of certificate of acceptance

19. No person shall publish or cause to be published any advertisement for mortgage transactions on a lot or unit in a subdivision located outside Ontario until the advertisement has been approved by the Registrar. Advertising

3. Section 33 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 103, section 4, is further amended by adding thereto the following clauses: s. 33, amended

(l) prescribing the fees payable upon the filing of a prospectus;

(m) prescribing the information required to be contained in a prospectus.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

5. This Act may be cited as *The Mortgage Brokers Amendment Act, 1975*. Short title

CHAPTER 29

**An Act to amend
The Ministry of Colleges and Universities
Act, 1971**

Assented to June 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Colleges and Universities Act, 1971*, being ^{s. 6e, enacted} chapter 66, is amended by adding thereto the following section:

6e.—(1) Where a loan is made under section 6d, the Minister shall pay to a chartered bank in respect of each guaranteed student loan that a student borrower is obliged to repay to that bank, interest thereon at the rate and for the period prescribed by the regulations and no interest is payable by a student on such guaranteed student loan in respect of such period. ^{Minister to pay interest}

(2) The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) prescribing the rate of interest payable by the Minister or a student borrower to a bank on a guaranteed student loan;
- (b) prescribing the period that may lapse after which the principal amount of a guaranteed student loan and interest thereon shall commence to be payable by the student borrower;
- (c) respecting the subrogation of Her Majesty in right of Ontario to the rights of a bank with respect to a guaranteed student loan;
- (d) prescribing procedures to be followed by a bank with respect to a guaranteed student loan;
- (e) prescribing the provisions to be included in agreements between borrowers and banks related to guaranteed student loans;

- (f) providing for the alteration of agreements between borrowers and banks and prescribing the conditions and consequences of such alterations;
- (g) providing for the assignment or transfer by banks of agreements between borrowers and banks and prescribing the conditions and consequences of such assignments or transfers;
- (h) prescribing, in the event of default in the repayment of a guaranteed student loan, the measures to be taken by the bank and the procedures to be followed for the collection of the amount of the loan outstanding and accrued interest;
- (i) prescribing the method of determining the amount of any loss sustained by a bank as a result of a guaranteed student loan;
- (j) prescribing the procedure to be followed by a bank in making a claim against the Minister;
- (k) prescribing the maximum number of years that may elapse after which the principal amount of a guaranteed student loan and interest thereon shall commence to be payable by the borrower;
- (l) providing for reports to be made to the Minister for the purposes of this Act, and prescribing the kind of information to be included in those reports.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ministry of Colleges and Universities Amendment Act, 1975*.

CHAPTER 30

An Act to amend The Judicature Act*Assented to June 6th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(m) “master” means a Master of the Supreme Court and includes the Senior Master.
2. Subsection 3 of section 85 of the said Act is repealed. s. 85 (3),
repealed
3. Subsection 1 of section 97 of the said Act is amended by striking out “the Master of the Supreme Court” in the first and second lines and inserting in lieu thereof “masters”. s. 97 (1),
amended
4. Sections 98 and 99 of the said Act are repealed and the following substituted therefor: ss. 98, 99,
re-enacted

MASTERS

98.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such Masters of the Supreme Court as are considered necessary. Appointment
of masters

(2) A master may be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if, Removal
for cause

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the master is given reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being

heard and of cross-examining the witnesses and of producing evidence on his own behalf.

Inquiry

(3) For the purpose of making an inquiry under subsection 2, the Lieutenant Governor in Council may appoint one or more judges of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has, for that purpose, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Order for removal

(4) An order removing a master from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session.

Retirement

99.—(1) Every master shall retire upon attaining the age of sixty-five years.

Idem

(2) Notwithstanding subsection 1, a master appointed before the 2nd day of December, 1968 shall retire upon attaining the age of seventy years.

Reappointment

(3) Upon attaining an age for retirement under subsection 1 or 2, a master may be reappointed to hold office during pleasure but shall not hold office after attaining the age of seventy-five years.

Resignation

(4) A master may at any time resign his office in writing, signed by him and delivered to the Attorney General.

Duties of Judicial Council for Provincial Judges
R.S.O. 1970, c. 369

99a. The Judicial Council for Provincial Judges established under *The Provincial Courts Act* has the same powers and shall perform the same duties in respect of the appointment of and investigation of complaints against masters as it has or may perform in respect of provincial judges.

Senior Master

99b.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a master as Senior Master.

Temporary appointments

(2) The Attorney General may designate masters to act in the place of the Senior Master for all purposes during his illness or absence.

Duties

(3) The Senior Master shall have general supervision and direction over the administration of the offices of the masters

and arranging and assigning masters for hearings as circumstances require.

99c.—(1) The Lieutenant Governor in Council may make regulations, Remuneration, etc.

- (a) fixing the remuneration of masters;
- (b) providing for the benefits to which masters are entitled, including,
 - (i) leave of absence and vacations,
 - (ii) sick leave credits and payments in respect of such credits,
 - (iii) pension benefits for masters and their widows and surviving children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as masters under this Act were entitled under *The Public Service Act* or *The Public Service Superannuation Act* at the time of their appointment under this Act. R.S.O. 1970, cc. 386, 387

(2) Subject to subsection 3, unless authorized by the Lieutenant Governor in Council, a master shall not practise or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as a master. Other employment

(3) A master, with the previous consent of the Attorney General, may act as arbitrator or conciliator. Idem

(4) *The Public Authorities Protection Act* applies to masters in the same manner and to the same extent as it applies to justices of the peace, without limiting any other defences available to masters under the law in respect of acts done in the execution of their duties. Application of R.S.O. 1970, c. 374

99d.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such local masters as are considered necessary. Local masters

(2) Where a master or local master is not appointed in respect of a county, the county court judge is and shall perform the duties and exercise the powers of local master. Idem

- Idem (3) In the absence or inability to act of a local master appointed under subsection 1, the county court judge may perform the duties and exercise the powers of the local master.
- s. 106 (1) (c), amended 5.—(1) Clause *c* of subsection 1 of section 106 of the said Act is amended by inserting after “officers” in the first line “other than masters”.
- s. 106 (2), amended (2) Subsection 2 of the said section 106 is amended by inserting after “officer” in the second line “other than a master”.
- s. 114 (1) (e), re-enacted 6.—(1) Clause *e* of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor:
- (e) the Senior Master.
- s. 114 (10) (f), amended (2) Clause *f* of subsection 10 of the said section 114 is amended by striking out “Master of the Supreme Court, or any officer sitting for him” in the first and second lines and inserting in lieu thereof “masters”.
- s. 118 (3), amended 7. Subsection 3 of section 118 of the said Act is amended by adding at the end thereof “and where a claim for alimony or for the maintenance or custody of children is joined with a petition for divorce, the local judges of the High Court have the same jurisdiction and authorities to deal with such claim as may be exercised by the Supreme Court or a judge thereof”.
- Commence-ment 8.—(1) This Act, except section 7, comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Idem (2) Section 7 shall be deemed to have come into force on the 1st day of July, 1971.
- Short title 9. This Act may be cited as *The Judicature Amendment Act, 1975*.

CHAPTER 31

**An Act to enable the establishment
of a Project for the better Administration
of Courts in the Region of Central West***Assented to June 6th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Advisory Committee" means the Attorney General's Advisory Committee, Central West established under section 3;
- (b) "courts" means the Supreme Court, county courts, provincial courts, small claims courts and other courts of record;
- (c) "project" means the developmental project referred to in section 2;
- (d) "Region" means the Region of Central West, composed of the counties of Brant, Dufferin and Wellington and the judicial districts of Haldimand, Norfolk, Halton, Hamilton-Wentworth, Niagara North, Niagara South and Waterloo.

2. The purpose of this Act is to enable the establishment of a developmental project in the Region for the central co-ordination of the administrative facilities and services of the courts in the Region and for the better operation of the said courts, subject to the traditional independence of judges respecting matters bearing directly on the adjudication of matters coming before them.

Purpose of
Act

3.—(1) There shall be an advisory committee to be known as the Attorney General's Advisory Committee, Central West composed of seven persons of whom one shall be the Chief Justice of Ontario, or his nominee, one shall

Attorney
General's
Advisory
Committee,
Central West

be the Chief Judge of the County and District Courts, or his nominee, one shall be the chief judge of the Provincial Courts (Family Division), or his nominee, one shall be the chief judge of the Provincial Courts (Criminal Division), or his nominee, two shall be members of the Law Society of Upper Canada engaged in active practice in the Region who shall be appointed by the Attorney General, and one shall be the Deputy Attorney General who shall be chairman.

Vice-
chairman

(2) The Deputy Attorney General may designate a member of the Committee who shall act as chairman during the absence of the Deputy Attorney General.

Duties

(3) The Advisory Committee shall advise and make recommendations to the Attorney General on any matter concerning the project and its implementation or operation that the Advisory Committee considers advisable or that is referred to it by the Attorney General.

Regulations

4.—(1) The Lieutenant Governor in Council, on the recommendation of the Advisory Committee, may make such regulations as are considered necessary and desirable for the establishment and operation of the project and, without restricting the generality of the foregoing may, for such purpose, make regulations,

- (a) providing for the sittings of courts in the Region;
- (b) providing for the taxation in the Region of such costs as are otherwise by law required to be taxed by a taxing officer at Toronto;
- (c) providing for holidays and vacations in respect of court business different from those otherwise fixed by law;
- (d) governing the establishment and maintenance of lists of cases to be tried and the bringing on for trial of cases on the list;
- (e) providing for the appointment of one or more persons as directors of court administration in the Region and assigning powers and duties to the director of court administration, for the purposes of the project including, but without restricting the generality of the foregoing,
 - (i) the power to authorize and direct stenographic reporters, court reporters and special examiners of courts in the Region to perform

their duties in any part of the Region as the director directs,

- (ii) the power to assign accommodation for the holding of trials and other hearings of courts in the Region at any place in the Region,
- (iii) the duty of consultation and co-operation with the Chief Justice, chief judges and judges in the conduct of the business of the court and providing for the procedures to be followed for the purposes of consultation and co-operation.

(2) Any regulation made under subsection 1 may be ^{Idem} general or particular in its application.

(3) Where a regulation made under subsection 1 is in ^{Conflict} conflict with a provision of any other Act or of the rules of any court, the regulation shall prevail.

5. This Act is repealed on the 31st day of July, 1977. ^{Repeal}

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

7. This Act may be cited as *The Administration of Courts* ^{Short title} *Project Act, 1975.*

CHAPTER 32

**An Act to erect the Town of Thorold
into a City Municipality***Assented to June 6th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** On the 1st day of July, 1975, The Corporation of the Town of Thorold is erected into a city municipality bearing the name of The Corporation of the City of Thorold.

Town of Thorold erected into city municipality
- 2.** Sections 17, 19 and 22 of *The Municipal Act* apply *mutatis mutandis* in respect of the erecting of the Town of Thorold into a city municipality.

Application of R.S.O. 1970, c. 284, ss. 17, 19, 22
- 3.** A reference in any general or special Act to The Corporation of the Town of Thorold or to the Town of Thorold shall be deemed to be a reference to The Corporation of the City of Thorold and to the City of Thorold, respectively.

References in other Acts
- 4.** This Act comes into force on the day it receives Royal Assent.

Commencement
- 5.** This Act may be cited as *The City of Thorold Act, 1975*.

Short title

CHAPTER 33

**An Act to amend
The Municipal Tax Assistance Act**

Assented to June 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsections 1, 2, 3, 4 and 5 of section 3 of *The Municipal Tax Assistance Act*, being chapter 292 of the Revised Statutes of Ontario, 1970, are repealed. s. 3 (1-5),
repealed
- (2) Subsection 6 of the said section 3 is amended by striking out “or acquired or held for the purpose of a housing project” in the ninth and tenth lines. s. 3 (6),
amended
2. Section 4 of the said Act is repealed. s. 4,
repealed
- 3.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “based on the value determined for such provincial property in the preceding year under this Act, would produce” in the seventh and eighth lines and inserting in lieu thereof “would produce on the value of such provincial property”. s. 5 (1),
amended
- (2) Subsection 2 of the said section 5 is amended by striking out “based on the value determined for such provincial property in the preceding year under this Act, would produce” in the sixth, seventh and eighth lines and inserting in lieu thereof “would produce on the value of such provincial property”. s. 5 (2),
amended
- (3) The said section 5 is amended by adding thereto the following subsections: s. 5,
amended
 - (6) The Crown in right of Ontario or any Crown agency may, in respect of any provincial property, pay charges imposed under section 362 of *The Municipal Act*. Sewer and
waterworks
rates
R.S.O. 1970,
c. 284
 - (7) The Crown in right of Ontario or any Crown agency may, in respect of any provincial property, pay charges Garbage
rates

imposed under paragraph 78 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Telephone
and
telegraph
company
taxes

(8) A Crown agency that operates a telephone and telegraph system may, in respect of the system, pay the tax levied under section 304a of *The Municipal Act*.

s. 5a,
enacted

4. The said Act is amended by adding thereto the following section:

Payment
by
Ministry

5a. Notwithstanding subsections 1 and 2 of section 5, the Ministry may make a payment under this Act on behalf of another ministry or a Crown agency and such payment may be recovered by the Ministry from the ministry or Crown agency on whose behalf such payment was made.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Municipal Tax Assistance Amendment Act, 1975*.

CHAPTER 34

**An Act to amend
The Ontario Municipal Employees
Retirement System Act**

Assented to June 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 14 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, is repealed. s. 14 (2),
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1975*. Short title

CHAPTER 35

**An Act to amend
The Municipal Elderly Resident's
Assistance Act, 1973**

Assented to June 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Municipal Elderly Resident's Assistance Act, 1973*, being chapter 154, is amended by adding at the end thereof “and includes an owner within the meaning of *The Condominium Act*”. s. 1 (b),
amended
- (2) The said section 1 is amended by adding thereto the s. 1,
amended following clause:
 - (c) “personal residence” means the residence ordinarily inhabited by the owner.
2. Section 2 of the said Act is amended by adding thereto the s. 2,
amended following subsection:
 - (3) A by-law passed by the council of a municipality under this Act may provide for the continuation of such tax credits to the surviving spouse of a deceased person to whom a tax credit was allowed, if such spouse otherwise qualifies for such credit except for the provisions of clause *c* of subsection 1. Continuation
of tax credit
to surviving
spouse
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Municipal Elderly Resident's Assistance Amendment Act, 1975*. Short title

CHAPTER 36

An Act to amend
The Horticultural Societies Act

Assented to June 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Horticultural Societies Act*, being chapter 207 of the Revised Statutes of Ontario, 1970, is amended by striking out “Superintendent” wherever it occurs and inserting in lieu thereof in each instance “Director”.

Act,
amended

2. Section 1 of the said Act is repealed and the following substituted therefor:

s. 1,
re-enacted

1. In this Act,

Interpre-
tation

(a) “board” means a board of directors elected under this Act;

(b) “Director” means the Director of the Agricultural and Horticultural Societies Branch of the Ministry;

(c) “Minister” means the Minister of Agriculture and Food;

(d) “Ministry” means the Ministry of Agriculture and Food;

(e) “society” means a horticultural society organized under this Act or under any former Act having a similar purpose.

3. Section 3 of the said Act is repealed and the following substituted therefor:

s. 3,
re-enacted
- 3.—(1) A society may be organized in any local municipality or in a police village having a population of not less than 200, or in any two of them that adjoin each other.

Where
societies
may be
organized

Additional societies	(2) In a local municipality having a population of not less than 100,000 there may be two societies and for each additional 100,000 of population there may be an additional society.
Reorganization, etc., of municipality does not affect existing society	(3) A reorganization, amalgamation or boundary alteration of a municipality does not affect any society that has been organized prior thereto.
s. 4, pars. 2, 3, 5, 7, 8, re-enacted	4. Paragraphs 2, 3, 5, 7 and 8 of section 4 of the said Act are repealed and the following substituted therefor:
Signatories to agreement	2. The number of persons signing the agreement shall be, in the case of a society in a territorial district or provisional county, at least 25 and elsewhere in Ontario, at least 50.
Fee payable by signatories	3. Every person who signs the agreement shall pay to the person having charge thereof the sum of \$2 as a membership fee and all such sums become the property of the society upon its organization, and, where no society is organized, the sums shall be repaid to the persons entitled thereto.

when to be held	5. The organization meeting shall be held as soon as practicable after the required number of signatures are obtained or at such other time as the Director authorizes, upon at least one week's notice published in a newspaper having a general circulation in the area in which the society is to be organized.

President, vice-presidents, directors	7. At the organization meeting there shall be elected a board of directors composed of a president, first vice-president and second vice-president to hold office until the next annual meeting and ten directors of whom five shall hold office until the next annual meeting and five shall hold office until the next following annual meeting and, (a) where any member of the board so elected has not paid the sum of \$2 required by paragraph 3, he shall pay such sum to the treasurer or secretary-treasurer within two weeks of the election; and

(b) where the Director has so authorized, there may be elected not more than five additional directors and not more than five junior directors and no person is eligible for election as a junior director who, at the time of the election, is more than twenty-six years of age.

8. At the organization meeting and at every annual meeting there shall be elected two auditors to hold office until the next annual meeting. Auditors

5. Subsections 1, 2, 3 and 5 of section 8 of the said Act are repealed and the following substituted therefor: s. 8 (1-3, 5),
re-enacted

(1) Every person of the full age of sixteen years or over is entitled to become a member of a society and every person under the age of sixteen years is entitled to become an associate member of a society. Persons
entitled to
membership

(2) Subject to the by-laws of a society, a partnership or incorporated company or an association directed towards horticultural interests may become a member of the society upon payment of the prescribed fee but, in every such case, the partnership, company or association shall delegate one person to exercise the privilege of membership in the society. Partnership,
corporation
or associa-
tion may
be member

(3) In every society there shall be an annual membership fee of not less than \$1. Membership
fee

.

(5) Every full member in good standing of a society is entitled to vote on all questions coming before a regular or special meeting of the society. Voting of
members

6. Clauses *b*, *c* and *f* of subsection 1 of section 9 of the said Act are repealed and the following substituted therefor: s. 9 (1),
(b), (c), (f),
re-enacted

- (b) by encouraging the improvement of private and public grounds, including highways and streets, by the planting of trees, shrubs and flowers, and by otherwise promoting outdoor art, public beautification, balcony gardening, therapeutic use of horticulture, community gardens and plot gardening ;
- (c) by interesting youth and others in the study of horticulture by the holding of meetings, field trips, contests and competitions and by such other means as the society considers proper ;

.

(f) by promoting the protection of the environment with appropriate horticultural projects; and

(g) by promoting the circulation of horticultural information through all available media including periodicals and provision of books for libraries.

s. 11,
amended

7. Section 11 of the said Act is amended by adding thereto the following subsection:

ex officio
member

(2) Where there is an immediate past president of a society he is *ex officio* a member of the board of directors.

s. 13 (1),
re-enacted

8. Subsection 1 of section 13 of the said Act is repealed and the following substituted therefor:

Statement
to be sent
to Minister

(1) A statement of officers and members and a copy of the financial statement in the form prescribed by the Minister and certified by the president, secretary-treasurer or secretary and treasurer, and auditors to be true copies shall be forwarded to the Director within ninety days of the holding of the annual meeting.

s. 15 (2),
re-enacted

9. Subsection 2 of section 15 of the said Act is repealed and the following substituted therefor:

Quorum

(2) One-third of the members of the board constitutes a quorum.

ss. 19, 20,
re-enacted

10. Sections 19 and 20 of the said Act are repealed and the following substituted therefor:

Payment
of grants

19. Grants shall be paid to societies out of moneys appropriated therefor by the Legislature according to the following plan:

1. Every society shall, during the first year of its existence, receive a grant amounting to \$2 for every paid-up member as of the 1st day of July, but no such grant shall exceed \$200.

2. Subject to paragraph 3, every society that has been in existence for more than one year shall receive a grant amounting to,

(a) \$1 for every paid-up member during the previous year; and

(b) one-half of the total amount expended by the society during the preceding year for the pur-

pose of carrying out its objects, and, for the purpose of this clause, up to one-quarter of the amount expended by the society may be composed of the value of donated labour.

3. No grant under paragraph 2 shall exceed,

- (a) in the case of a society with 100 or fewer members, \$500;
- (b) in the case of a society with more than 100 and fewer than 200 members, \$1,000; and
- (c) in the case of a society with 200 members or more, \$1,500.

20. The council of a city, town, village, township, regional municipality, district municipality or county may grant money to any society organized wholly or partly within its limits. ^{Municipal grants}

20a. Every society within the meaning of this Act is entitled to be affiliated with the Ontario Horticultural Association upon payment of the affiliation fees prescribed therefor by the Association. ^{Entitlement to affiliation}

11. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

12. This Act may be cited as *The Horticultural Societies Amendment Act, 1975*. ^{Short title}

CHAPTER 37

An Act to amend The Highway Traffic Act

Assented to June 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 146 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by striking out “twelve months” in the third line and inserting in lieu thereof “two years”.

s. 146 (1),
amended
- 2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
- 3. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (No. 2)*.

Short title

CHAPTER 38

An Act to amend The Fatal Accidents Act*Assented to June 6th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Fatal Accidents Act*, being chapter 164 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

5. Not more than one action lies for and in respect of the same subject-matter of complaint, and no such action shall be brought after the expiration of two years from the death of the deceased.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Fatal Accidents Amendment Act, 1975*.

s. 5,
re-enacted

Limitation
of actions

Commence-
ment

Short title

CHAPTER 39

An Act to amend The Trustee Act*Assented to June 6th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 38 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970, is amended by striking out “one year” in the second line and inserting in lieu thereof “two years”. s. 38 (5),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Trustee Amendment Act, 1975*. Short title

CHAPTER 40

The Liquor Licence Act, 1975*Assented to July 3rd, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “alcohol” means a product of fermentation or distillation of grains, fruits or other agricultural products rectified once or more than once whatever may be the origin thereof, and includes synthetic ethyl alcohol;
- (b) “beer” means any beverage containing alcohol in a proportion that is greater than that prescribed by the regulations obtained by the fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water;
- (c) “Board” means the Liquor Licence Board established under section 2;
- (d) “government store” means a government store as established under *The Liquor Control Act, 1975*; 1975, c. 27
- (e) “licence” means a licence issued under this Act;
- (f) “liquor” means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other matter;
- (g) “manufacturer” means a person authorized under an Act of the Parliament of Canada to manufacture or produce any liquor;

- (*h*) “Minister” means the Minister of Consumer and Commercial Relations;
- (*i*) “municipality” means a city, town, village or township;
- (*j*) “Ontario wine” means,
 - (i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine, or
 - (ii) wine produced by the alcoholic fermentation of Ontario honey with or without the addition of caramel, natural botanical flavours or the distillate of Ontario honey wine;
- (*k*) “permit” means a permit issued under this Act;
- (*l*) “regulations” means the regulations made under this Act;
- (*m*) “sell” means to supply for remuneration, directly or indirectly, in any manner by which the cost is recovered from the person supplied, alone or in combination with others, and “sale” has a corresponding meaning;
- (*n*) “spirits” means any beverage that contains alcohol obtained by distillation;
- (*o*) “Tribunal” means the Liquor Licence Appeal Tribunal established under section 14;
- (*p*) “wine” means any beverage containing alcohol in a proportion that is greater than that prescribed by the regulations obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples and other agricultural products containing sugar, and including honey and milk.

Liquor
Licence
Board
established

2.—(1) The Liquor Licence Board is established and shall consist of not more than seven members appointed by the Lieutenant Governor in Council.

Chairman,
vice-
chairmen

(2) The Lieutenant Governor in Council may designate one of the members of the Board as chairman and one or more of the members as vice-chairmen.

(3) The members of the Board shall be appointed to ^{Term} hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.

(4) The members of the Board shall be paid such ^{Remuneration} salaries or other remuneration as may be fixed by the Lieutenant Governor in Council.

(5) The chairman shall be the chief executive officer ^{Duties of chairman} of the Board and shall devote his full time to the work of the Board, and the other members shall devote such time as may be necessary for the due performance of their duties as members of the Board.

(6) The Board is a corporation to which *The Corporations Act* does not apply. ^{Corporation R.S.O. 1970, c. 89}

(7) The Board shall perform such duties as are assigned ^{Duties} to it by or under this and any other Act and shall administer and enforce this Act and the regulations.

(8) Subject to the approval of the Lieutenant Governor ^{Staff} in Council, the Board may appoint such officers, inspectors and employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment.

(9) The revenues of the Board shall be paid to the ^{Finances} Treasurer of Ontario and the moneys required for the expenditures of the Board shall, until the 1st day of April, 1976, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

3.—(1) Subject to subsection 2, the assets, liabilities ^{Transfer of assets and obligations} and obligations of the Liquor Licence Board of Ontario, under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, existing immediately before this Act comes into force, are vested in and bind the Crown.

(2) Every contract or agreement, including collective ^{Preservation of employment agreements} agreements, respecting the employees of the Liquor Licence Board of Ontario under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970 and existing immediately before this Act comes into force continues and is binding on the Liquor Licence Board established by this Act.

(3) For the purposes of and subject to *The Crown ^{Bargaining unit and agent under} Employees Collective Bargaining Act*, 1972, and the regulations ^{1972, c. 67}

thereunder, and subject to any further designation under that Act, the persons employed in the work of the Board are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes and the Liquor Control Board of Ontario and Liquor Licence Board of Ontario Employees' Association is designated as the employee organization that has representation rights in relation to such bargaining unit.

Licences and permits for sale of liquor

4.—(1) No person shall keep for sale, offer for sale or sell liquor except under the authority of a licence or permit issued by the Board.

Soliciting orders

(2) No person shall canvass for, receive or solicit orders for the sale of liquor unless he is the holder of a licence or permit issued by the Board under subsection 1 or unless he is registered under section 39.

Exception for beer and wine stores 1975, c. 27

(3) Subsections 1 and 2 do not apply to the sale of liquor by or under the authority of the Liquor Control Board of Ontario under *The Liquor Control Act, 1975*.

Transfer of licences

(4) A licence issued under this section may be transferred, subject to the approval of the Board, on the application of the transferee.

Temporary transfers

(5) The Board may approve the transfer of a licence for a period of not more than six months, to permit the orderly disposition of licensed premises by a trustee in bankruptcy, receiver or liquidator authorized by statute or a court for the purpose or a mortgagee who enters into possession under the mortgage and section 6 does not apply.

Manu-
facturer's
licence to sell

5.—(1) The Board may, subject to the approval of the Minister, issue a licence authorizing the manufacturer of spirits, beer or Ontario wine to keep for sale, offer for sale or sell such spirits, beer or Ontario wine to the Liquor Control Board of Ontario under *The Liquor Control Act, 1975* and the decision of the Board to issue or to refuse to issue a licence, with the approval of the Minister, is final.

Conditions

(2) A licence under subsection 1 may be issued subject to such terms or conditions as are prescribed in the licence or by the regulations.

Licence to sell other than by manu-
facturer

6.—(1) An applicant for a licence, or for approval of the transfer of a licence other than a licence referred to in section 5, is entitled to be issued the licence or have the transfer approved except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the applicant is not a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding equity shares as determined under section 20 affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty, or
 - (iii) a majority of the members of the board of directors are not Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (d) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty;
- (e) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations;
- (f) the premises and accommodation, equipment and facilities in respect of which the licence is issued do not comply with the provisions of this Act and the regulations applicable thereto;
- (g) in the case of an application for a licence, the issuance of the licence is not in the public interest having regard to the needs and wishes of the public in the municipality in which the premises is located.

(2) No licence shall be issued under this section or renewed and no approval of the transfer of a licence shall be given, Where issue of licence prohibited

- (a) to a person who is under agreement with any person to sell the liquor of any manufacturer;

- (b) to a manufacturer of liquor, or his agent, or to a person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to a person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor of any manufacturer; or
- (d) for premises in which a manufacturer of liquor has an interest, whether freehold or leasehold, or by way of mortgage or charge or other encumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

Publication
of notice of
application

(3) Where an application is made for a licence under this section and, subject to compliance with clause g of subsection 1, the applicant is not disentitled, the Board shall advertise the fact of the application, the nature of the licence applied for and the location of the premises at least twice in a newspaper having general circulation in the municipality in respect of which the licence is applied for and shall fix in the advertisement a time and place in the licensing district for the residents of the municipality to make representations to the Board concerning the application.

Public
representa-
tion

(4) The Board or such member or members thereof as are designated by the chairman shall hold a public meeting in accordance with the notice under subsection 3 for the purpose of receiving the representations referred to therein and shall take such representations into consideration for the purposes of this section.

Expiry

7.—(1) A licence issued under section 4 or 5 expires two years after its issuance or latest renewal, subject to renewal by the Board in accordance with this Act and the regulations.

First
renewal of
existing
licences

(2) The first renewal of a licence continued under section 9 may be made for a term fixed by the Board, being not less than one year and not more than two years.

Continuance
pending
renewal

(3) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Board proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the order has become final.

8.—(1) Subject to the regulations, the Board may issue ^{Special occasion permits} a permit authorizing the holder thereof to keep for sale, offer for sale, sell or serve liquor on a special occasion.

(2) An applicant for a permit for a special occasion that ^{Issuance} complies with the regulations is entitled to be issued the permit except upon the grounds set out in clause *d*, *e* or *f* of subsection 1 of section 6 and subsection 2 of section 6 applies in respect of permits, *mutatis mutandis*, in the same way as it applies in respect of licences.

(3) A permit may be issued by an officer of the Board ^{Idem} designated by the Board for the purpose and such officer shall refer to the Board every application for a permit or renewal that he proposes to refuse.

9.—(1) Every licence and permit issued by the Liquor ^{Continuation of licences and permits} Licence Board under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, and subsisting immediately before this Act comes into force continues in effect, subject to this Act, until it expires or is otherwise terminated.

(2) Every application for a licence or permit made to the ^{Continuation of applications} Liquor Licence Board under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970 and undisposed of when this Act comes into force is continued and shall be dealt with by the Board in accordance with this Act.

10.—(1) The Board may at any time review a licence or permit on its own initiative and attach such further ^{Imposition of new terms and conditions} terms and conditions as, it considers proper to give effect to the purposes of this Act.

(2) The Board may, on the application of the holder of ^{Removal of terms and conditions} a licence or permit, remove any term or condition to which the licence or permit is made subject under subsection 1 where there is a change of circumstances.

11.—(1) Subject to section 12, the Board may refuse to ^{Refusal to issue} issue or approve the transfer of a licence under section 6 or to issue a permit under section 8 where, in the Board's

opinion, the applicant is not entitled to a licence or permit under the provisions applicable thereto.

Idem

(2) Subject to section 12, the Board may refuse to renew or may suspend or revoke a licence issued under section 5 for any reason referred to in clauses *e* and *f* of subsection 1 of section 6 or where the licensee is in breach of a term or condition of his licence.

Revocation,
suspension
or refusal to
renew

(3) Subject to section 12, the Board may refuse to renew or may suspend or revoke a licence issued under section 6 for any reason that would disentitle the licensee to a licence under section 6 if he were an applicant or where the licensee is in breach of a term or condition of the licence.

Voluntary
cancellation

(4) The Board may cancel a licence upon the request in writing of the licensee in the prescribed form surrendering his licence.

Revocation
of permits

(5) Subject to section 12, the Board may revoke a permit issued under section 8 for any reason that would disentitle the holder to a permit if he were an applicant, or where the holder of the permit is in breach of a term or condition of the permit.

Notice of
proposal

12.—(1) Where the Board proposes,

- (a) to refuse to issue a licence or permit, renew a licence or approve the transfer of a licence;
- (b) to suspend or revoke a licence or permit; or
- (c) to attach terms and conditions to a licence or permit or to refuse to remove a term or condition of a licence or permit under section 10,

it shall serve notice of its proposal together with written reasons therefor on the applicant or holder of the licence or permit affected.

Interim
suspension

(2) Where the Board proposes to suspend or revoke a licence or permit the Board may, where the Board considers it to be necessary in the public interest, by order temporarily suspend the licence or permit and the order shall take effect immediately and where a hearing is required expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Board or Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

(3) A notice under subsection 1 shall inform the applicant or holder of the licence or permit that he is entitled to a hearing by the Board if he mails or delivers to the Board, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing by the Board, and he may so require such a hearing.

Notice
requiring
hearing

(4) Where an applicant or holder of the licence or permit does not require a hearing by the Board in accordance with subsection 3, the Board may carry out the proposal stated in its notice under subsection 1.

Powers of
Board
where no
hearing

13.—(1) Where the Board is required to hold a hearing under section 12, the chairman of the Board shall refer the application to two or more members of the Board designated by the chairman, who shall constitute the Board for the purposes of the hearing and decision.

Members
holding
hearing

(2) The Board shall fix a time and place for the hearing of the application and shall at least ten days before the day fixed cause notice thereof to be served upon the applicant, and upon any other person appearing to the Board to have an interest in the application.

Notice
of hearing

(3) Every person upon whom notice of a hearing is served and any other person added by the Board is a party to the proceedings.

Parties

(4) Each member of the Board has power to administer oaths and affirmations for the purpose of any of its proceedings.

Oaths

(5) The Board shall hold the hearing and give its decision and reasons therefor in writing to the parties to the proceedings.

Decision
and reasons

(6) An order of the Board revoking or suspending a licence or permit takes effect immediately unless otherwise provided in the order but, where a hearing by the Tribunal is required, the Tribunal may grant a stay until the Tribunal makes its decision.

Stay

14.—(1) The Liquor Licence Appeal Tribunal is established and shall consist of not more than seven members who shall be appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chairman and one or more of them as vice-chairmen.

Liquor
Licence
Appeal
Tribunal

(2) The members of the Tribunal shall be appointed to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.

Term of
office

Remunera- tion	(3) The members of the Tribunal shall be paid such salaries or other remuneration as may be fixed by the Lieutenant Governor in Council.
Duties of chairman	(4) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require.
Quorum	(5) Three members of the Tribunal constitute a quorum.
Publication of decisions	(6) The Tribunal shall prepare and periodically publish a summary of its decisions and the reasons therefor.
Oaths	(7) Each member of the Tribunal has power to administer oaths and affirmations for the purpose of any of its proceedings.
Hearing by Tribunal	15. —(1) Any party to a proceeding before the Board under section 13 who is aggrieved by the decision of the Board may, within fifteen days after he is served with the decision of the Board, mail or deliver to the Board and the Tribunal a notice in writing requiring a hearing by the Tribunal.
Idem	(2) Any person to whom a notice is given under section 12 may require a hearing by the Tribunal by giving notice in accordance with subsection 1 notwithstanding that he has not first required a hearing by the Board.
Powers of Tribunal	(3) Where an applicant or holder of the licence or permit requires a hearing by the Tribunal in accordance with subsection 1, the Tribunal shall appoint a time for and hold the hearing and may by order confirm, alter or revoke the decision of the Board or direct the Board to take such action as the Tribunal considers the Board ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Board.
Conditions of order	(4) The Tribunal may attach such terms and conditions to its order or to the licence or permit as it considers proper to give effect to the purposes of this Act.
Parties	(5) The Board, the applicant or the holder of the licence or permit who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.
Members holding hearing not to have taken part in investiga- tion, etc.	16. —(1) A member of the Tribunal holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing and shall not communicate directly or indirectly in relation

to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Tribunal may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(2) Notice of a hearing under section 15 shall afford the applicant or holder of the licence or permit a reasonable opportunity to show or achieve compliance before the hearing with all lawful requirements for the renewal or retention of the licence or permit. Opportunity to comply

(3) An applicant or holder of the licence or permit who is a party to proceedings under section 15 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the content of which will be given in evidence at the hearing. Examination of documentary evidence

(4) The oral evidence taken before the Tribunal shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(5) The findings of fact of the Tribunal pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(6) No member of the Tribunal shall participate in a decision of the Tribunal pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Tribunal shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

(7) Documents and things put in evidence at a hearing of the Tribunal shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

(8) Notwithstanding any limitation of time for the giving of a notice requiring a hearing by the Tribunal and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the Tribunal may extend the time for giving the notice either before or after expiration of the time so limited and may give such directions as it considers proper consequent upon such extension. Extension of time for notice requiring hearing

Reasons (9) The Tribunal shall give its decision and reasons therefor in writing to the parties to the proceedings.

Stay (10) An order of the Tribunal revoking or suspending a licence or permit takes effect immediately but, where an appeal is made to the Supreme Court, the court may grant a stay until the disposition of the appeal.

Service **17.**—(1) Any notice required to be given or served in connection with proceedings of or before the Board or the Tribunal is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made.

Where service deemed to be made (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Exception (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Decision of Tribunal re issuance final **18.** The decision of the Tribunal respecting the issuance of or refusal to issue a licence or permit or refusal to approve the transfer of a licence is final.

Appeal from decision to revoke, etc. **19.**—(1) Any party to proceedings before the Tribunal respecting the revocation, suspension or refusal to renew a licence or permit, or the imposition of or refusal to remove a term or condition of a licence or permit may appeal from the decision of the Tribunal to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard (2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of court on appeal (3) An appeal under this section may be made on questions of law only.

"Equity share" defined **20.**—(1) In this section, "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

Notice of transfer of shares (2) Every licence or permit holder that is a corporation shall notify the Board in writing within thirty days after the issue or the entry of a transfer of any shares of its capital stock or the happening of a condition by which shares

of its capital stock acquire voting rights where such issue, transfer or happening results in,

- (a) any shareholder and shareholders associated with him beneficially owning or controlling at least 10 per cent of the total number of all issued and outstanding equity shares of such stock; or
- (b) any shareholder and shareholders associated with him who already beneficially owns or controls 10 per cent or more of the total number of all issued and outstanding equity shares of such stock increasing such holding.

(3) In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries. ^{Idem}

(4) Where a licence or permit holder that is a corporation is aware that a transfer which comes within the provisions of subsection 2 has taken place, it shall notify the Board in writing within thirty days after such knowledge came to the attention of its officers or directors, and not within thirty days of the entry of the transfer. ^{Idem}

(5) For the purposes of subsection 2, a shareholder shall be deemed to be associated with another shareholder if, ^{Associated shareholder}

- (a) one shareholder is a company of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;
- (d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Application
of s. 4 (4)

(6) Where, in the opinion of the Board, an issue or transfer of equity shares of capital stock of a licensed corporation or the happening of a condition referred to in subsection 2 results in a shareholder and shareholders associated with him having a material or substantial interest in the corporation, such issue, transfer or happening shall be deemed to be a change of ownership and unless transferred under subsection 4 of section 4, the licence ceases to exist.

Investiga-
tion by
Minister

21. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

1971, c. 49

Investiga-
tion by
Board

22.—(1) Where, upon a statement made under oath, the Board believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970,
c. C-34

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for a licence or permit under this Act,

the Board may, by order, appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Board.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the premises of such person, not including any premises or part thereof occupied as living accommodation, and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things

owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part ^{1971, c. 49} applies to such inquiry as if it were an inquiry under that Act.

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. ^{Obstruction of investigator}

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. ^{Search warrant}

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. ^{Removal of books, etc.}

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. ^{Admissibility of copies}

Appointment
of experts

(7) The Board may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Inspections

23. Any person designated by the Board in writing may at any reasonable time enter upon any premises in respect of which a licence or permit is issued to make an inspection for the purpose of ensuring that the provisions of this Act and the regulations and the terms and conditions of the licence or permit are being complied with, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Special
audit

24.—(1) The Board may at any time authorize and direct a representative of the Board appointed for that purpose to enter upon any premises where the books, accounts or records of or pertaining to any licensed manufacturer are kept or may be, and to inspect, study, audit, take extracts from such books, accounts or other records, and may, upon giving a receipt therefor, remove any such material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility
in evidence

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Matters
confidential

25.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under this Act, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act. Testimony in civil suit

26. Subject to sections 27 and 28 and the regulations, no licence shall be issued or government store established of a class for the sale of liquor in a municipality, Prohibited areas

(a) in which the sale of liquor or the sale of liquor under that class of licence or store was prohibited under the law as it existed immediately before this Act comes into force; or

(b) although the sale of liquor is not prohibited by law, no licence has been issued or government store established since the 16th day of September, 1916.

27.—(1) The council of a municipality may submit one or more of the questions prescribed by the regulations respecting the authorization for the sale of liquor in the municipality to a vote of the persons appearing by the last revised list of the municipality and qualified to vote at elections of the Assembly and the council shall submit to the said vote such questions as are requested by petition signed by at least 25 per cent of the persons entitled to vote on the submission. Submission by council to vote

(2) Where 60 per cent of the electors voting on a question, required to be submitted by virtue of clause *a* of section 26, vote in the affirmative, it is lawful to establish government stores, or issue the classes of licences in the municipality accordingly. Affirmative vote

(3) Where 40 per cent of the electors voting on a question required to be submitted by virtue of clause *b* of section 26 vote in the affirmative, it is lawful to establish government stores or issue the classes of licences in the municipality accordingly. Idem

28.—(1) The council of a municipality in which a government store is established or liquor is authorized to be sold under a licence may, and on petition as provided in section 27 shall, submit to the electors such questions respecting the closing of the store or premises as are prescribed by the regulations. Local option to cease sale

(2) Where 60 per cent of the electors voting on the question or questions vote in the negative, from and after the 31st day of March in the following year, any government store established in the municipality shall be closed, or licences Where negative vote polled

of any class for premises in the municipality shall be discontinued, as the case may be, in accordance with the question or questions submitted and voted upon.

Questions
not to be
submitted
again for
three years

29. Where a question is submitted in a municipality under section 27 or 28, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission.

Appoint-
ment of
managers
for vote

30.—(1) At least five weeks before the taking of a vote upon any question under section 27 or 28, the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally has all the powers and shall perform all the duties and is subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Notice of
filing of
petition

(2) When a petition has been filed with the clerk of the municipality pursuant to section 27 or 28, the clerk shall give notice in writing of the filing to each of the managers, and the managers are, for a period of four weeks from the date of such notice, entitled to examine and inspect the petition.

Date of
polling
1972, c. 95

31. The day fixed for taking the vote on any question or questions shall be the day upon which under *The Municipal Elections Act, 1972*, or any by-law passed under that Act, a poll would be held at the election of members of the council of the municipality, unless the council with the approval of the Board fixes some other day and notifies the clerk of the municipality to that effect, but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be.

Who may
vote

32.—(1) The persons qualified to vote upon a question or questions are such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question or questions.

(2) Except as otherwise provided by this Act, the provisions of *The Election Act* respecting,

Application
of general law
R.S.O. 1970,
c. 142

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks,

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions apply to the taking of a vote under this Act.

(3) Subject to the approval of the Lieutenant Governor in Council, the Chief Election Officer shall give such directions and make such regulations and prepare such forms as appear to him to be necessary in carrying out sections 27 to 34 and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* when compliance therewith appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances that may arise and that are not provided for or contemplated by sections 27 to 34.

Directions
as to taking
vote

(4) The forms to be used at the taking of the vote upon a question or questions shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to such extent as is necessary.

Forms

(5) The voters' lists shall be revised as provided in *The Election Act* with respect to the revision of the lists at an election to the Assembly, and polling lists shall be prepared as provided by *The Election Act*.

Revision
of lists

(6) It is not necessary for the polling lists for use at the taking of a vote to be printed, nor is it necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively.

Polling
lists

(7) The treasurer of the municipality shall pay returning officers and other officers and servants such fees for services

Fees and
expenses

performed under sections 27 to 34, and such expenses incurred in carrying out such sections, as may be fixed by the regulations.

Returning
officer

(8) The returning officer upon the taking of a vote shall be the clerk of the municipality, or, in case of his inability to act or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

Return to
Chief
Election
Officer

(9) The returning officer shall make his return to the Chief Election Officer showing the number of votes polled for the affirmative and negative on the question or questions submitted and, upon the receipt of such return, the Chief Election Officer shall make his return to the Lieutenant Governor in Council and give notice thereof in *The Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions.

Where
validity of
vote
questioned

1972, c. 95

R.S.O. 1970,
c. 142

33.—(1) Notwithstanding anything in this or any other Act, where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of *The Municipal Elections Act, 1972* relating to proceedings to declare a seat vacant, apply *mutatis mutandis*, except that no vote under this Act shall be set aside or declared invalid for any reason set out in section 92 of *The Election Act*, and any notice of motion required under *The Municipal Elections Act, 1972* shall be served on such person as the judge or master, as defined in that Act, may direct.

Recounts

(2) Notwithstanding anything in this or any other Act, where a recount of a vote on any question or questions submitted under this Act is requested, sections 81 to 86 of *The Municipal Elections Act, 1972* apply *mutatis mutandis*.

Amalgama-
tions,
annexations
not to affect
status quo
under Act

34.—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a part of a municipality to another municipality affects the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or part annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or part annexed, as the case may be.

Who
entitled
to vote

(2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 27 or 28 are the persons who are resident in the municipality amalgamated or municipality or part annexed, as the case may be, and who are qualified to be entered on the voters list and to vote at elections to the Assembly.

Interdiction
orders

35.—(1) Where it is made to appear to the satisfaction of the Board that a person, resident or sojourning in Ontario,

by excessive drinking of liquor, misspends, wastes or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the Board may make an order of interdiction prohibiting the sale of liquor to him until further ordered.

(2) Sections 12, 13 and 15 apply in respect of the proposal to make and the making of the interdiction order in the same manner as to a proposal to revoke and the revocation of a licence. Hearings

(3) Every interdicted person keeping or having in his possession or under his control or consuming any liquor is guilty of an offence, and the judge making the conviction may in and by the conviction declare the liquor and all packages in which the liquor is contained forfeited to Her Majesty in right of Ontario. Disregard of order

(4) Upon an order of interdiction being made, the interdicted person shall deliver forthwith to the Board all liquor in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or, at the option of the Board, such liquor may be purchased from him at a price to be fixed by the Board. Delivery of liquor

(5) The Board shall notify all managers of government stores, and such other persons as are prescribed by the regulations of the order of interdiction. Notice of order

(6) No person shall knowingly procure for, sell or give any liquor to an interdicted person, nor directly or indirectly assist in procuring or supplying any liquor to an interdicted person. Supply of liquor to interdicted person

(7) No interdicted person shall enter upon the premises of a government store. Interdicted person not to enter government store

36. Upon an application to the Board by a person in respect of whom an order of interdiction has been made, and upon it being made to appear to the satisfaction of the Board that the circumstances of the case did not warrant the making of the order of interdiction or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the Board may by order set aside the order of interdiction, and the interdicted person may be restored to all his rights under this Act and the regulations, and the Board shall accordingly forthwith notify all persons notified of the original order. Setting aside of interdiction order

37.—(1) In this section,

Interpretation

(a) “detoxification centre” means a public hospital designated by the regulations;

(b) “municipality” means a municipality responsible for maintaining a police force.

Taking to
detoxifica-
tion centre
in lieu
of charge

(2) Where a police officer finds a person in a public place apparently in contravention of subsection 3 of section 46, he may take such person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a detoxification centre.

Protection
from
liability

(3) No action or other proceedings for damages shall be instituted against any physician or any hospital or officer or employee thereof on the grounds only that he examines or treats without consent a person in a detoxification centre under subsection 2 who is brought to the centre by a police officer.

Detention
for
reclamation

38. Where it appears that a person in contravention of subsection 3 of section 46 may benefit therefrom, the judge may order the person to be detained for a period of ninety days or such lesser period as he thinks advisable in an institution for the reclamation of alcoholics that is designated for the purpose by the regulations, but, if at any time during this period the superintendent of the institution is of the opinion that further detention therein will not benefit him, the superintendent may release him.

Registration
of manu-
facturers’
agents

39.—(1) No person shall, directly or indirectly, hold himself out or act as agent or representative of a manufacturer in respect of the sale of liquor or canvass for, receive, take or solicit an order for the sale of liquor by a manufacturer or hold himself out or act as an agent or intermediary for the purpose unless he is registered with the Board as an agent or representative of such manufacturer.

Grounds
for refusal

(2) An applicant for registration is entitled to be registered except where the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty.

Continuation
of existing
registrations

(3) Every person registered under section 78 of *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970 immediately before this section comes into force continues to be registered under this Act, subject to the provisions of this Act and the regulations.

Procedures

(4) The provisions of this Act applying to the issuance, refusal, suspension or revocation of a licence apply, *mutatis mutandis*, to the granting, refusal, suspension or revocation of a registration.

Regulations

40. The Lieutenant Governor in Council may make regulations,

- (a) prescribing classes of licences and permits and the terms and conditions to which each class is subject;
- (b) providing for issuance of licences and for renewals and transfer thereof;
- (c) establishing licensing districts and prescribing the maximum number of licences for the sale of liquor in each licensing district or any part thereof;
- (d) prescribing classes of premises and confining the issuance of any specified class or classes of licences to any specified class or classes of premises;
- (e) governing and providing for the issuance of permits for special occasions and prescribing the special occasions for which permits may be issued;
- (f) providing for the registration of agents and representatives of manufacturers;
- (g) requiring the payment of fees in respect of applications for and the issuance, renewal or transfer of licences, permits and registrations;
- (h) prescribing classes of licences or permits that may be issued in respect of premises in a municipality notwithstanding section 26;
- (i) requiring the holders of licences and permits to provide the Board with such information and returns respecting the sale of liquor and the premises, methods and practices connected therewith as is prescribed and requiring any information provided to be verified by oath;
- (j) controlling the advertising of liquor or its availability for sale and requiring that the form of advertisement or public notice be subject to the approval of the Board;
- (k) exempting uses of alcohol from the application of section 49;
- (l) prescribing the questions for the purpose of voting on questions under sections 27 and 28;
- (m) prescribing the form of ballots to be used for voting upon a question submitted in a municipality;
- (n) prescribing standards for premises or the part thereof used in connection with the sale of liquor by the holders of licences and permits and the

accommodation, equipment and facilities therein and prescribing or prohibiting methods and practices in connection with the serving of liquor;

- (o) prescribing the circumstances under which the manufacturer of liquor may give by gift any liquor;
- (p) prescribing the minimum alcoholic content of wine and beer for the purposes of clauses *b* and *p* of section 1;
- (q) prescribing classes of premises in which the sale of liquor is authorized on which a person under the age of eighteen years may enter;
- (r) designating public hospitals as detoxification centres;
- (s) designating institutions for the reclamation of alcoholics detained therein under section 38 and governing the transfer and admission of persons to and detention of persons in such institutions and providing for the government and operation of such institutions;
- (t) prescribing rules for proceedings before the Board or the Tribunal;
- (u) prescribing the form and content of the application for and of the card for proof of age, requiring the payment of a fee for its issuance and prescribing the amount thereof;
- (v) exempting any person, product or premises or any class thereof from any provision of this Act or the regulations;
- (w) prescribing any matter that by this Act is required or permitted to be or referred to as prescribed by the regulations.

Intoxicating
liquor for
purposes of
R.S.C. 1970,
c. I-4

41. Liquor shall be deemed to be an intoxicating liquor for the purposes of the *Importation of Intoxicating Liquors Act* (Canada).

Unlawful
purchase

42. No person shall purchase liquor except from a government store or from a person authorized by licence or permit to sell.

Unlawful
gift by manu-
facturer

43. No manufacturer of liquor shall in Ontario, by himself, his clerk, servant or agent, give any liquor to any

person, except as is permitted by and in accordance with the regulations.

44. No person shall sell or supply liquor or permit liquor to be sold or supplied to any person in or apparently in an intoxicated condition. Sale to persons under influence

45.—(1) No person shall knowingly sell or supply liquor to a person under the age of eighteen years. Minors

(2) No liquor shall be sold or supplied to a person who is apparently under the age of eighteen years, and, in any prosecution for a contravention of this subsection, the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of eighteen years. Idem

(3) No person under the age of eighteen years shall have, consume, attempt to purchase, purchase or otherwise obtain liquor. Minor prohibited from purchasing liquor

(4) No person under the age of eighteen years shall enter or remain on premises in which the sale of liquor is authorized except those classes of premises that are prescribed by the regulations. Idem

(5) This section does not apply to the supplying of liquor to a person under the age of eighteen years by the parent or guardian of such person in a residence as defined in section 46 or to the consumption of liquor therein by such person. Application of section

(6) A person who sells or supplies liquor to another person shall be deemed not to be in contravention of subsection 1 or 2 if, before he sells or supplies the liquor, a card in the form prescribed by the regulations is produced to him by the person to whom he sells or supplies the liquor, which purports to be issued by the Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it. Card as proof of age

46.—(1) In this section,

Interpretation

(a) “public place” means a place to which the general public is invited or permitted access, whether or not for a fee;

(b) “residence” means a place that is actually occupied and used as a dwelling, whether or not in common

with other persons, including all premises used in conjunction therewith that is not a public place, and where the place occupied and used as a dwelling is a tent, includes the land immediately adjacent and used in conjunction therewith.

Unlawful
consumption

(2) No person shall consume liquor in any place other than a premises in respect of which a licence or permit is issued or a residence.

Intoxication
in public
place

(3) No person shall be in an intoxicated condition in a public place or in any part of a residence that is used in common by persons occupying more than one dwelling therein.

Arrest
without
warrant

(4) A police officer may arrest without warrant any person whom he finds contravening subsection 3 where to do so is necessary to protect that person or another from injury.

Power to
eject from
licensed
premises

47.—(1) The holder of a licence or permit issued in respect of premises shall ensure that any person whom he has reasonable grounds to believe,

- (a) is unlawfully on the premises;
- (b) is on the premises for an unlawful purpose; or
- (c) is contravening the law on the premises,

does not remain on the premises and may request the person to leave the premises immediately and if the request is not forthwith complied with may remove him or cause him to be removed by the use of no more force than is necessary.

Order to
vacate
premises

(2) Where there are reasonable grounds to believe that a disturbance or breach of the peace is being caused on a licensed premises sufficient to constitute a threat to the public safety, a police officer may require that all persons vacate the premises and the holder of the licence or permit shall ensure, with the assistance of the police officer, if necessary, that the premises are vacated.

Conveying
liquor in
vehicle
R.S.O. 1970.
c. 202

48.—(1) No person shall drive or have the care or control of a motor vehicle as defined in *The Highway Traffic Act* or motorized snow vehicle, whether it is in motion or not, while there is contained therein any liquor, except,

- (a) liquor in a bottle or package that is unopened and the seal unbroken; or
- (b) liquor in a bottle or package that is packed with personal effects in baggage that is fastened closed or that is not otherwise readily available to any person in the vehicle.

(2) A police officer may at any time, without a warrant, enter and search any vehicle or other conveyance in which he has reasonable grounds to believe that liquor is unlawfully kept or had, and search any person found in such vehicle or other conveyance.

Search of
vehicles

49. No person shall,

Unlawful
consumption
of alcohol

(a) drink alcohol in a form that is not a liquor; or

(b) supply alcohol in a form that is not a liquor to another when he knows or ought to know that the other intends it to be used as a drink.

50.—(1) No person shall advertise liquor or display public notice that liquor is available for sale except in accordance with the regulations.

Regulation of
advertising

(2) Where the Board believes on reasonable and probable grounds that any advertisement or public notice is in contravention of this Act or the regulations, the Board may order the immediate cessation of the use of such advertisement or notice, and the provisions of this Act applying to the imposition by the Board of a condition of the licence apply *mutatis mutandis* to the order, and the order of the Board shall take effect immediately, but the Tribunal may grant a stay until the Board's order becomes final.

Order of
cessation

51.—(1) Liquor kept for sale or offered for sale in contravention of section 4 and liquor purchased in contravention of section 42 is forfeited to the Board.

Forfeiture
of liquor

(2) Where liquor to which subsection 1 applies is seized by a police officer, he shall forthwith make or cause to be made a report of the particulars of the seizure to the Board and shall deliver the liquor or cause the liquor to be delivered to the Board as soon as the due process of the law permits.

Report and
delivery

52.—(1) Any person who is over the age of eighteen years and not an interdicted person may apply to the Board for a card certifying that such person has attained the age of eighteen years.

Card
certifying
age

(2) A card issued by the Board shall contain a photographic likeness of the applicant and otherwise be in the form prescribed by the regulations.

Form of
card

(3) No person shall supply false information or a false photographic likeness in an application made under subsection 1, or alter in any way, any card issued by the Board.

False
information

False
card

(4) No person shall present as evidence of his age any card purporting to be issued by the Board other than a card issued to him by the Board.

Civil
liability

53. Where any person or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated,

R.S.O. 1970,
c. 164

(a) commits suicide or meets death by accident, an action under *The Fatal Accidents Act* lies against the person who or whose servant or agent sold the liquor; or

(b) causes injury or damage to the person or property of another person, such other person is entitled to recover an amount to compensate him for his injury or damage from the person who or whose servant or agent sold the liquor.

Arrest
without
warrant

54. Where a police officer finds a person contravening this Act and such person refuses to give his name and address or there are reasonable grounds to believe that the name or address given is false, the police officer may arrest such person without warrant.

Offences

55. —(1) Every person who,

(a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(b) knowingly fails to comply with an order of the Board under subsection 2 of section 50;

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corpora-
tions

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceeding to prosecute under clause *a* or *b* of subsection 1 shall be instituted except with the consent of the Minister. ^{Consent of Minister}

(4) No proceeding to prosecute under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Board. ^{Limitation}

(5) No proceeding to prosecute under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. ^{Idem}

56.—(1) Where liquor is found by a police officer under circumstances where the liquor constitutes evidence necessary to prove a contravention of this Act, the police officer may seize and take away the liquor and packages in which it is kept. ^{Seizure of liquor}

(2) A provincial court judge may, upon the application of any person made within thirty days of a seizure under subsection 1, order that the things seized be restored forthwith to the applicant where the judge is satisfied that, ^{Order of restoration}

(a) the applicant is entitled to possession of the things seized; and

(b) the things seized are not required as evidence in any proceedings in respect of an offence under this Act,

and where the judge is satisfied that the applicant is entitled to possession of the things seized but is not satisfied as to the matter mentioned in clause *b*, he shall order that the things seized be restored to the applicant,

(c) upon the expiration of three months from the date of the seizure, if no proceedings in respect of an offence under this Act have been commenced; or

(d) upon the final conclusion of any such proceedings.

(3) Where no application has been made for the return of any thing seized under subsection 1 or an application has been made but upon the hearing thereof no order of restoration has been made, the thing seized is forfeited to the Board. ^{Forfeiture}

(4) Where a person is convicted of an offence under this Act, any thing seized under subsection 1 by means of which the offence was committed is forfeited to the Board. ^{Idem}

Certificate
as evidence

57. A statement as to,

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Board;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Board; or
- (d) any other matter pertaining to such licence, non-licensing, filing or non-filing,

purporting to be certified by the chairman of the Board is, without proof of the office or signature of the chairman, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Analysis

58. In any prosecution under this Act or the regulations, upon production of a certificate or report signed or purporting to be signed by a federal or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, the certificate or report is conclusive evidence of the facts stated in the certificate or report and of the authority of the person giving or making it without any proof of appointment or signature.

Exception
for drugs
and
medicines
1974, c. 47

59. Nothing in this Act prevents the sale,

- (a) of a drug dispensed as a medicine by a person authorized to do so under *The Health Disciplines Act, 1974*;
- (b) of a drug compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber as defined in Part VI of *The Health Disciplines Act, 1974* for a person under health care provided by such hospital or health or custodial institution;
- (c) subject to section 49, of a medicine registered under the *Proprietary or Patent Medicine Act* (Canada); or
- (d) of a drug to a person authorized under *The Health Disciplines Act, 1974* to dispense, prescribe or administer drugs,

R.S.C. 1970,
P-25

or the purchase of such drug or medicine sold in accordance with this section.

60. The following are repealed:

Repeals

1. *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970.
2. *The Liquor Licence Amendment Act, 1971*, being chapter 35.
3. *The Liquor Licence Amendment Act, 1973*, being chapter 68.
4. Paragraph 19 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

61. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

62. This Act may be cited as *The Liquor Licence Act, 1975*.

Short title

CHAPTER 41

**An Act to reform certain Laws founded
upon Marital or Family Relationships***Assented to July 3rd, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) For all purposes of the law of Ontario, a married man has a legal personality that is independent, separate and distinct from that of his wife and a married woman has a legal personality that is independent, separate and distinct from that of her husband. Unity of legal personality abolished

(2) A married person has and shall be accorded legal capacity for all purposes and in all respects as if such person were an unmarried person. Capacity of married person

(3) Without limiting the generality of subsections 1 and 2, Idem

- (a) each of the parties to a marriage has the like right of action in tort against the other as if they were not married;
- (b) a married woman is capable of acting as guardian *ad litem* or next friend as if she were an unmarried woman;
- (c) except as agreed between them, where a husband or wife contributes work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of a property in which the other has or had a property interest, the husband or wife shall not be disentitled to any right to compensation or other interest flowing from such contribution by reason only of the relationship of husband and wife or that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances;

(d) the rule of law applying a presumption of advancement in questions of the ownership of property as between husband and wife is abolished and in place thereof the rule of law applying a presumption of a resulting trust shall be applied in the same manner as if they were not married, except that,

- (i) the fact that property is placed or taken in the name of a husband and wife as joint tenants shall be *prima facie* proof that a joint tenancy of the beneficial interest in the property is intended, and
- (ii) money on deposit in a bank, trust company, loan corporation or similar institution in the name of both a husband and wife shall be deemed to be in the name of the husband and wife as joint tenants for the purposes of subclause i.

Purpose of
subss. 1 and 2

(4) The purpose of subsections 1 and 2 is to make the same law apply, and apply equally, to married men and married women and to remove any difference therein resulting from any common law rule or doctrine, and subsections 1 and 2 shall be so construed.

Application
of s. 1:
restraint
upon alien-
ation or
anticipation

2.—(1) Section 1 does not apply to interfere with or render inoperative any restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of an instrument executed before this Act comes into force and for the purpose,

(a) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in that instrument only and not in the instrument by which the power was created; and

(b) the will of a testator shall be deemed to be an instrument executed on the day of his death.

Idem:
domicile

(2) Section 1 does not apply to affect the determination of domicile for any purpose.

Idem:
agency of
necessity

(3) Section 1 does not apply to affect the right of a wife to pledge her husband's credit for necessities.

Actions
between
parent and
child

3. No person shall be disentitled from bringing an action or other proceeding against another for the reason only that they stand in the relationship of parent and child.

4. No person shall be disentitled from recovering damages in respect of injuries incurred for the reason only that the injuries were incurred before his birth. Recovery for prenatal injuries

5. Subclause i of clause *b* of section 214 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 224, s. 214 (b) (i), repealed

6. Sections 2 to 11 and section 13 of *The Married Women's Property Act*, being chapter 262 of the Revised Statutes of Ontario, 1970, are repealed. R.S.O. 1970, c. 262, ss. 2-11, 13, repealed

7. Subsection 4 of section 2 of *The Negligence Act*, being chapter 296 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 296, s. 2 (4), repealed

8. Section 7 does not apply in respect of actions commenced before this Act comes into force. Application of s. 7

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

10. This Act may be cited as *The Family Law Reform Act*, 1975. Short title

CHAPTER 42

An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies

Assented to July 3rd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) “governmental organization” means a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof;

(b) “minister” means a member of the Executive Council.

2. There shall be appointed, as an officer of the Legis-
lature, an Ombudsman to exercise the powers and perform
the duties prescribed by this Act. Ombudsman

3. The Ombudsman shall be appointed by the Lieutenant
Governor in Council on the address of the Assembly. Appoint-
ment

4.—(1) Subject to this Act, the Ombudsman shall hold
office for a term of ten years, but is removable at any time
for cause by the Lieutenant Governor in Council on the
address of the Assembly. Tenure of
office and
removal

(2) The Ombudsman may be reappointed for a further
term or terms but shall retire upon attaining the age of
sixty-five years. Reappoint-
ment
and
retirement

5.—(1) The Ombudsman shall devote himself exclusively
to the duties of his office and shall not hold any other office
under the Crown or engage in any other employment. Nature of
employment

(2) *The Public Service Act* and *The Public Service Super-
annuation Act* do not apply to the Ombudsman. Idem
R.S.O. 1970,
cc. 386, 387

- Salary **6.**—(1) The Ombudsman shall be paid a salary to be fixed by the Lieutenant Governor in Council.
- Idem (2) The salary of the Ombudsman shall not be reduced except on address of the Assembly.
- Expenses (3) The Ombudsman is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the exercise of his functions under this Act.
- Pension
1973, c. 152 (4) Part II of *The Legislative Assembly Retirement Allowances Act, 1973*, except sections 15 and 16, subsection 5 of section 18 and clause *a* of subsection 2 of section 19, applies, *mutatis mutandis*, to the Ombudsman in the same manner as if he were a member of the Legislative Assembly and for the purpose,
- (a) “average annual remuneration” means the average annual salary of the Ombudsman during any five years of his service, which years need not be consecutive, during which his salary was highest; and
- (b) “remuneration” means the salary of the Ombudsman.
- Temporary
Ombudsman **7.** In the event of the death or resignation of the Ombudsman while the Legislature is not in session or if he is unable or neglects to perform the functions of his office, the Lieutenant Governor in Council may appoint a temporary Ombudsman, to hold office for a term of not more than six months, who shall, while in such office, have the powers and duties and perform the functions of the Ombudsman and shall be paid such salary or other remuneration and expenses as the Lieutenant Governor in Council may fix.
- Staff **8.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Ombudsman may employ such officers and other employees as the Ombudsman considers necessary for the efficient operation of his office and may determine their salary and remuneration and terms and conditions of employment.
- Benefits (2) The employee benefits applicable from time to time to the public servants of Ontario with respect to,
- (a) cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

(b) plans for group life insurance, medical-surgical insurance or long-term income protection; and

(c) the granting of leave of absence,

apply to the permanent and full-time employees of the Ombudsman and where such benefits are provided for in regulations made under *The Public Service Act*, the Ombudsman, or any person authorized in writing by him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations.

R.S.O. 1970,
c. 386

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Ombudsman as though the Ombudsman were a commission designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees' superannuation benefits
R.S.O. 1970,
c. 387

9. The Ombudsman may lease such premises and acquire such equipment and supplies as are necessary for the efficient operation of his office.

Premises and supplies

10. The salary of the Ombudsman and the expenses required for the operation of his office are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

Salary and expenses

11. The accounts and financial transactions of the office of the Ombudsman shall be audited annually by the Provincial Auditor.

Audit

12. The Ombudsman shall report annually upon the affairs of his office to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Annual report

13.—(1) Before commencing the duties of his office, the Ombudsman shall take an oath, to be administered by the Speaker of the Assembly, that he will faithfully and impartially exercise the functions of his office and that he will not, except in accordance with subsection 2, disclose any information received by him as Ombudsman.

Oath of office and secrecy

(2) The Ombudsman may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Disclosure

Application
of Act

14. This Act does not apply,

- (a) to judges or to the functions of any court; or
- (b) to deliberations and proceedings of the Executive Council or any committee thereof.

Function of
Ombudsman

15.—(1) The function of the Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity.

Investiga-
tion on
complaint

(2) The Ombudsman may make any such investigation on a complaint made to him by any person affected or by any member of the Assembly to whom a complaint is made by any person affected, or of his own motion.

Powers
paramount

(3) The powers conferred on the Ombudsman by this Act may be exercised notwithstanding any provision in any Act to the effect that any such decision, recommendation, act or omission is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

Decisions
not
reviewable

(4) Nothing in this Act empowers the Ombudsman to investigate any decision, recommendation, act or omission,

- (a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired;
- (b) of any person acting as legal adviser to the Crown or acting as counsel to the Crown in relation to any proceedings.

Application
to S.C.O. to
determine
jurisdiction

(5) If any question arises whether the Ombudsman has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guidance
rules

16.—(1) The Assembly may make general rules for the guidance of the Ombudsman in the exercise of his functions under this Act.

(2) All rules made under this section shall be deemed to be regulations within the meaning of *The Regulations Act*. Idem
R.S.O. 1970,
c. 410

(3) Subject to this Act and any rules made under this section, the Ombudsman may determine his procedures. Procedures

17.—(1) Every complaint to the Ombudsman shall be made in writing. Mode of
complaint

(2) Notwithstanding any provision in any Act, where any letter written by an inmate of any provincial correctional institution or training school or a patient in a provincial psychiatric facility is addressed to the Ombudsman it shall be immediately forwarded, unopened, to the Ombudsman by the person for the time being in charge of the institution, training school or facility. To be
forwarded

18.—(1) If, in the course of the investigation of any complaint within his jurisdiction, it appears to the Ombudsman, Ombudsman
may
refuse to
investigate
complaint

(a) that under the law or existing administrative practice there is an adequate remedy for the complainant, whether or not he has availed himself of it; or

(b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Ombudsman by this Act, the Ombudsman may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Ombudsman, or, if in his opinion, Idem

(a) the subject-matter of the complaint is trivial;

(b) the complaint is frivolous or vexatious or is not made in good faith; or

(c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Ombudsman decides not to investigate or further investigate a complaint he shall inform the complainant in writing of that decision, and may if he thinks fit state his reasons therefor. Complainant
to be
informed

Proceedings
of
Ombudsman

19.—(1) Before investigating any matter, the Ombudsman shall inform the head of the governmental organization affected of his intention to make the investigation.

Investigation to be
in private

(2) Every investigation by the Ombudsman under this Act shall be conducted in private.

Where
hearing
necessary

(3) The Ombudsman may hear or obtain information from such persons as he thinks fit, and may make such inquiries as he thinks fit and it is not necessary for the Ombudsman to hold any hearing and no person is entitled as of right to be heard by the Ombudsman, but, if at any time during the course of an investigation, it appears to the Ombudsman that there may be sufficient grounds for his making any report or recommendation that may adversely affect any governmental organization or person, he shall give to that organization or person an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel.

May
consult
minister

(4) The Ombudsman may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

Must
consult
minister

(5) On the request of any minister in relation to any investigation, or in any case where any investigation relates to any recommendation made to a minister, the Ombudsman shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 22.

Breach of
duty or
misconduct

(6) If, during or after an investigation, the Ombudsman is of opinion that there is evidence of a breach of duty or of misconduct on the part of any officer or employee of any governmental organization, he may refer the matter to the appropriate authority.

Evidence

20.—(1) The Ombudsman may from time to time require any officer, employee or member of any governmental organization who in his opinion is able to give any information relating to any matter that is being investigated by the Ombudsman to furnish to him any such information, and to produce any documents or things which in the Ombudsman's opinion relate to any such matter and which may be in the possession or under the control of that person.

Examination under
oath

(2) The Ombudsman may summon before him and examine on oath,

(a) any complainant;

- (b) any person who is an officer or employee or member of any governmental organization and who, in the Ombudsman's opinion, is able to give any information mentioned in subsection 1; or
- (c) any other person who, in the Ombudsman's opinion, is able to give any information mentioned in subsection 1,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by the provisions of any Act, other than *The Public Service Act*, to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

Secrecy
R.S.O. 1970,
c. 386

(4) With the previous consent in writing of any complainant, any person to whom subsection 3 applies may be required by the Ombudsman to supply information or answer any question or produce any document or thing relating only to the complainant, and it is the duty of the person to comply with that requirement.

Idem

(5) Every person has the same privileges in relation to the giving of information, the answering of questions, and the production of documents and things as witnesses have in any court.

Privileges

(6) Except on the trial of any person for perjury in respect of his sworn testimony, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Ombudsman shall be given against any person.

Protection

(7) A person giving a statement or answer in the course of any inquiry or proceeding before the Ombudsman shall be informed by the Ombudsman of his right to object to answer any question under section 5 of the *Canada Evidence Act*.

Idem
under
R.S.C. 1970,
c. E-10

(8) No person is liable to prosecution for an offence against any Act, other than this Act, by reason of his compliance with any requirement of the Ombudsman under this section.

Prosecution

Fees

(9) Where any person is required by the Ombudsman to attend before him for the purposes of this section, the person is entitled to the same fees, allowances, and expenses as if he were a witness in the Supreme Court, and the provisions of any Act, regulation or rule in that behalf apply accordingly.

Disclosure of certain matters not to be required

21.—(1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or thing,

- (a) might interfere with or impede investigation or detection of offences;
- (b) might involve the disclosure of the deliberations of the Executive Council; or
- (c) might involve the disclosure of proceedings of the Executive Council or of any committee of the Executive Council, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or thing to be produced.

Idem

(2) Subject to subsection 1, the rule of law which authorizes or requires the withholding of any document, or the refusal to answer any question, on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Procedure after investigation

22.—(1) This section applies in every case where, after making an investigation under this Act, the Ombudsman is of opinion that the decision, recommendation, act or omission which was the subject-matter of the investigation,

- (a) appears to have been contrary to law;
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory;
- (c) was based wholly or partly on a mistake of law or fact; or
- (d) was wrong.

(2) This section also applies in any case where the Ombudsman^{Idem} is of opinion that in the making of the decision or recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Ombudsman^{Ombudsman's report and recommendations} is of opinion,

- (a) that the matter should be referred to the appropriate authority for further consideration;
- (b) that the omission should be rectified;
- (c) that the decision or recommendation should be cancelled or varied;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;
- (f) that reasons should have been given for the decision or recommendation; or
- (g) that any other steps should be taken,

the Ombudsman shall report his opinion, and his reasons therefor, to the appropriate governmental organization, and may make such recommendations as he thinks fit and he may request the governmental organization to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations and the Ombudsman shall also send a copy of his report and recommendations to the minister concerned.

(4) If within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of any governmental organization affected, may send a copy of the report and recommendations to the Premier, and may thereafter make such report to the Assembly on the matter as he thinks fit.^{Where no appropriate action taken}

(5) The Ombudsman shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the governmental organization affected.^{Idem}

Complainant
to be
informed
of result
of investiga-
tion

23.—(1) Where, on any investigation following a complaint, the Ombudsman makes a recommendation under subsection 3 of section 22, and no action which seems to the Ombudsman to be adequate and appropriate is taken thereon within a reasonable time, the Ombudsman shall inform the complainant of his recommendation, and may make such comments on the matter as he thinks fit.

Idem

(2) The Ombudsman shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Proceedings
not to be
questioned
or to be
subject to
review

24. No proceeding of the Ombudsman shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Ombudsman is liable to be challenged, reviewed, quashed or called in question in any court.

Proceedings
privileged

25.—(1) No proceedings lie against the Ombudsman, or against any person holding any office or appointment under the Ombudsman, for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Idem

(2) The Ombudsman, and any such person as aforesaid, shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Idem

(3) Anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by or proceedings before the Ombudsman under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Power of
entry of
premises

26.—(1) For the purposes of this Act, the Ombudsman may at any time enter upon any premises occupied by any governmental organization and inspect the premises and carry out therein any investigation within his jurisdiction.

Notice of
entry

(2) Before entering any premises under subsection 1, the Ombudsman shall notify the head of the governmental organization occupying the premises of his purpose.

Notice to
desist

(3) The Attorney General may by notice to the Ombudsman exclude the application of subsection 1 to any specified premises or class of premises if he is satisfied that the exercise of the powers mentioned in subsection 1 might be prejudicial to the public interest.

(4) Where a notice is given under subsection 3 and in the opinion of the Ombudsman it is necessary to take an action apparently prevented by the notice, the Ombudsman may apply to a judge of the High Court for an order setting aside the notice in respect of such action and, where the judge is satisfied that such action would not be prejudicial to the public interest, he may make the order.

27.—(1) The Ombudsman may in writing delegate to any person holding any office under him any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

(2) Every delegation under this section is revocable at will and no such delegation prevents the exercise by the Ombudsman of any power so delegated.

(3) Every such delegation may be made subject to such restrictions and conditions as the Ombudsman thinks fit.

(4) In the event that the Ombudsman by whom any such delegation is made ceases to hold office, the delegation continues in effect so long as the delegate continues in office or until revoked by a succeeding Ombudsman.

(5) Any person purporting to exercise any power of the Ombudsman by virtue of a delegation under this section shall, when required so to do, produce evidence of his authority to exercise the power.

28. Every person who,

(a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the performance of his functions under this Act; or

(b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his functions under this Act,

Offences
and
penalties

is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both.

Rights
under Act
do not
affect
other rights,
etc.

29. The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Commence-
ment

30. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

31. This Act may be cited as *The Ombudsman Act, 1975*.

CHAPTER 43

An Act to amend The Mechanics' Lien Act

Assented to July 3rd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Mechanics' Lien Act*, <sup>s. 1 (1),
amended</sup> being chapter 267 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(ba) "Crown" includes Crown agencies to which *The* <sup>R.S.O. 1970,
c. 100</sup> *Crown Agency Act* applies;

(bb) "estate or interest in land" includes a statutory right given or reserved to the Crown to enter any lands or premises of any person or public authority for the purpose of doing any work, construction, repair or maintenance in, upon, through, over or under any such lands or premises.

- (2) Clause *d* of subsection 1 of the said section 1 is amended <sup>s. 1 (1) (d),
amended</sup> by inserting after "including" in the first line "the Crown".

- (3) Subsection 1 of the said section 1 is further amended <sup>s. 1 (1),
amended</sup> by adding thereto the following clause:

(da) "public work" means the property of the Crown and includes land in which the Crown has an estate or interest, and also includes all works and properties acquired, constructed, extended, enlarged, repaired, equipped or improved at the expense of the Crown, or for the acquisition, construction, repairing, equipping, extending, enlarging or improving of which any public money is appropriated by the Legislature, but not any work for which money is appropriated as a subsidy only.

2. The said Act is amended by adding thereto the following <sup>s. 1a,
enacted</sup> section:

Application
of Act

1975, c. 44

1a.—(1) Subject to subsection 2 of section 5, this Act binds the Crown but does not apply in respect of work under a contract as defined in *The Ministry of Transportation and Communications Creditors Payment Act, 1975* and to which that Act applies.

Application
of
R.S.O. 1970,
c. 365, s. 7

(2) Section 7 of *The Proceedings Against the Crown Act* does not apply in respect of proceedings against the Crown under this Act.

s. 2 (4),
amended

3. Subsection 4 of section 2 of the said Act is amended by inserting after “than” in the first line “the Crown”.

s. 5 (2),
re-enacted

4. Subsection 2 of section 5 of the said Act is repealed and the following substituted therefor:

Where lien
against
Crown or
municipality

(2) Where the land or premises upon or in respect of which any work is done or materials are placed or furnished is,

- (a) a public street or highway owned by a municipality;
or
- (b) a public work,

the lien given by subsection 1 does not in any event attach to such land or premises but shall instead constitute a charge on amounts directed to be retained by section 11, and the provisions of this Act shall be construed, *mutatis mutandis*, to have effect without requiring the registration or enforcement of a lien or a claim for lien against such land or premises.

s. 11 (3),
amended

5.—(1) Subsection 3 of section 11 of the said Act is amended by striking out “and section 23” in the sixth line and inserting in lieu thereof “section 23 and section 23a”.

s. 11 (5),
re-enacted

(2) Subsection 5 of the said section 11 is repealed and the following substituted therefor:

Charge on
holdback

(5) The lien is a charge upon the amount directed to be retained by this section in favour of lien claimants whose liens are derived under persons to whom the moneys so required to be retained are respectively payable.

Charge on
further
amounts
payable in
case of
Crown or
Municipality

(5a) Where the lien does not attach to the land by virtue of subsection 2 of section 5, and a person claiming a lien gives to the owner, or a contractor or subcontractor notice in writing of the lien, the owner, contractor or subcontractor so notified shall retain out of amounts payable to the contractor or subcontractor under whom the lien is derived an amount equal to the amount claimed in the notice.

- (3) Subsection 7 of the said section 11 is amended by striking out "proceedings have been commenced to enforce any lien or charge against the percentage as provided by sections 22 and 23" in the fifth and sixth lines and inserting in lieu thereof "the appropriate steps have been taken to preserve the lien as provided by sections 22 and 23, or 22*a* and 23*a*, as the case may be". s. 11 (7), amended
6. Section 12 of the said Act is amended by striking out "or to any person who but for subsection 2 of that section would be entitled to a lien under that section" in the second, third and fourth lines. s. 12, amended
7. Subsection 1 of section 18 of the said Act is amended by inserting after "17" in the first line "21*a*". s. 18 (1), amended
8. Subsection 5 of section 21 of the said Act is repealed. s. 21 (5), repealed
9. The said Act is further amended by adding thereto the following section: s. 21*a*, enacted
- 21*a*.—(1) Without limiting the generality of subsection 2 of section 5, where the lien does not attach to the land by virtue of subsection 2 of section 5, sections 16, 17, 19 and 20 do not apply. Crown and municipal contracts
- (2) Where the lien does not attach to the land by virtue of subsection 2 of section 5, any person who is claiming a lien shall give notice thereof in writing to the owner in the manner hereafter provided. Notice of claim to hold back
- (3) Where the claim is in respect of a public street or highway owned by a municipality, the notice required to be given to the owner by subsection 2 shall be given to the clerk of the municipality. Service on municipality
- (4) Where the claim is in respect of a public work, the notice required by subsection 2 to be given to the owner shall be given to the Ministry or Crown agency for whom the work is done or the materials are placed or furnished, or to such office as is prescribed by the regulations. Service on Crown
- (5) The notice required by subsection 2 shall be given within the time allowed for registration under section 21. Time for service
- (6) The notice required by subsection 2 may be served personally, or it may be sent by registered mail, in which case the date of mailing shall be deemed to be the date on which the notice was given. Method of service

Contents of
notice

- (7) The notice required shall set out,
- (a) the name and address of the person making the claim and of the person for whom the work was done or the materials were placed or furnished, and the time within which the same was done or placed or furnished;
 - (b) a short description of the work done or the materials placed or furnished;
 - (c) the sum claimed as due;
 - (d) the address or a description of the location of the land;
 - (e) the date of expiry of the period of credit if credit has been given.

Verification

(8) The matters set out in the notice shall be verified by the affidavit of the person claiming the lien, or his agent or assignee who has a personal knowledge of the matters, and the affidavit of the agent or assignee shall state that he has such knowledge.

s. 22,
amended

10. Section 22 of the said Act is amended by adding thereto the following subsection:

Not
applicable
to Crown and
municipal
contracts

(4) This section does not apply to liens which, by virtue of subsection 2 of section 5, do not attach to the land.

s. 22a,
enacted

11. The said Act is further amended by adding thereto the following section:

Time for
claiming
liens
against
Crown
and muni-
cipalities

22a. Where the lien does not attach to the land by virtue of subsection 2 of section 5, every lien for which notice has not been given as required by section 21a ceases to exist at the expiration of the time limited in section 21a for giving notice of claim thereof.

s. 23 (2, 3),
repealed

12. Subsections 2 and 3 of section 23 of the said Act are repealed.

s. 23a,
enacted

13. The said Act is further amended by adding thereto the following section:

Expiration
of liens
against
Crown
and muni-
cipalities

23a. Every lien which by virtue of subsection 2 of section 5 does not attach to the land ceases to exist on the expiration of ninety days after,

- (a) the work has been completed or abandoned;
- (b) the materials have been placed or furnished; or

- (c) the expiry of the period of credit, where such period is mentioned in the notice referred to in section 21a,

unless in the meantime an action under this Act is commenced to realize the claim or in which a subsisting claim may be realized.

- 14.** Section 49 of the said Act is repealed and the following substituted therefor: s. 49,
re-enacted

49. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing forms and providing for their use;
- (b) providing for and requiring the posting of notices on building sites;
- (c) prescribing the appropriate offices of the Crown to which notice of a claim for lien must be sent.

- 15.**—(1) This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

- (2) This Act does not apply in respect of work done or materials supplied or furnished under a contract entered into before this Act comes into force or under any sub-contract entered into directly or indirectly under such contract. Application

- 16.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1975*. Short title

CHAPTER 44

**The Ministry of Transportation
and Communications Creditors
Payment Act, 1975***Assented to July 3rd, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “claimant” means a creditor who has sent a notice under subsection 1 of section 2;
- (b) “contract” means a written agreement between the Minister and a person for the performance of work and under which the Minister is obligated to pay for the total cost thereof;
- (c) “contractor” means a person who enters into a contract with the Minister;
- (d) “creditor” means a person who supplies labour, materials or services used or reasonably required for use in the performance of work as set out in a contract;
- (e) “Minister” means the Minister of Transportation and Communications;
- (f) “Ministry” means the Ministry of Transportation and Communications;
- (g) “person” means an individual, partnership or corporation but does not include a municipal corporation;
- (h) “surety” means a person who guarantees to the Minister the payment of creditors under a bond with the Minister;

- (i) "work" means a construction, reconstruction, improvement, alteration, expansion, addition to, repair or maintenance of property.

Service of
notice of
non-payment

2.—(1) Where a contractor does not pay a creditor in accordance with his obligation to do so under the contract, the creditor may, not later than 120 days after the last day on which the labour, materials or services were provided, send to the appropriate office of the Ministry by registered mail a notice setting out the nature and amount of his claim.

Payment
of claim

(2) The Minister may, after notice in writing to the contractor and surety, if any, pay the claimant the amount settled upon and deduct the amount so paid from any moneys due or that may become due to the contractor on any account or from the moneys or securities, if any, deposited by the contractor with the Ministry, and, if there are insufficient moneys due or to become due to the contractor to permit of such deduction, the surety, if any, shall pay to the Ministry upon demand an amount sufficient to make up the deficiency.

Amount
paid final

(3) In paying a claim under subsection 2, the Minister may act upon any evidence that he considers sufficient and may compromise any disputed liability, and such payment is not open to dispute or question by the contractor or the surety, if any, but is final and binding upon them.

Minister
may demand
list of
creditors

3. The Minister may, in writing, require a contractor to send to him by registered mail, within fifteen days from the date of the mailing of the demand, a list of the names of and the amounts owing to his creditors.

Contractors
to display
s. 2 (1)

4. Every contractor shall display and keep displayed in a conspicuous place where the work is being performed a copy of subsection 1 of section 2.

Offences

5. A contractor who does not file a list when required to do so under section 3 or who does not display and keep displayed a copy of subsection 1 of section 2 as required by section 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day during which the default continues.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

- (a) extending or reducing the periods of time referred to in sections 2 and 3;

- (b) providing for and requiring notices in addition to the notice mentioned in section 2;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under subsection 1 or any ^{Application} provision thereof may be made applicable in respect of any class or classes of contractor.

7.—(1) This Act comes into force on a day to be named ^{Commence-} by proclamation of the Lieutenant Governor.
^{ment}

(2) This Act does not apply in respect of contracts ^{Application} entered into before this Act comes into force or to sub-contracts entered into directly or indirectly under such contract.

8. This Act may be cited as *The Ministry of Trans-* ^{Short title}
portation and Communications Creditors Payment Act, 1975.

CHAPTER 45

**An Act to repeal
The Public Works Creditors Payment Act**

Assented to July 3rd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Works Creditors Payment Act*, being chapter 394 of the Revised Statutes of Ontario, 1970, is repealed. Act
repealed

2.—(1) This Act comes into force on a day to be named Commence-
ment by proclamation of the Lieutenant Governor.

(2) Notwithstanding subsection 1, *The Public Works Creditors Payment Act* continues to apply in respect of work done or materials supplied or furnished under a contract entered into before this Act comes into force and under any sub-contract entered into directly or indirectly under such a contract. Application

3. This Act may be cited as *The Public Works Creditors Payment Repeal Act, 1975*. Short title

CHAPTER 46

The Regional Municipalities Amendment Act, 1975

Assented to July 3rd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Section 67c of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is amended by adding thereto the following subsection:

(6) Where, pursuant to clause *h* of subsection 4, an area municipality has entered into an agreement to provide for passenger transport service outside the Urban Transit Area, the area municipality may pay the costs so incurred, including accumulated deficits, out of its general funds, or, subject to the approval of the Municipal Board as to boundaries, may pass one or more by-laws to impose a special rate or rates in one or more parts of the area municipality which, in the opinion of the council of the area municipality, derive benefit from the provision of passenger transport services.

How costs of service outside Urban Transit Area to be borne
2. Subsections 2 to 12 of section 67d of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, are repealed and the following substituted therefor:

(2) The Regional Council shall annually, by by-law, levy against such of the area municipalities as are wholly or partly within the Urban Transit Area such sums as are, in the opinion of the Regional Council, required to meet any anticipated deficits that may arise out of the total operations of the Commission in such year, and in calculating such levy,

Levy upon area municipalities

- (a) the Regional Council shall take into account the amount of any subsidies received or to be received by the Regional Corporation for such purpose; and
- (b) the Regional Council may, to such extent as it deems proper in the circumstances, include any expenditures made by the Regional Corporation that are related to the provision, planning, or improvements of public transportation services in the Urban Transit Area,

and any such levy made in 1976 and succeeding years shall make due provision for any surplus or deficit arising out of the total operations of the Commission in the preceding year after taking into account the levy made under this subsection and all applicable subsidies.

Apportion-
ment of
levy

(3) A by-law enacted under subsection 2 or 12 shall apportion the levy against each of such area municipalities in a manner that, in the opinion of the Regional Council, is just and equitable, and without limiting the generality of the foregoing, the Regional Council, in making such apportionment may have regard to the degree of passenger transport services provided, the financial implications of providing such service, equalized assessment, and any other factors and considerations that are, in the opinion of the Regional Council, relevant.

Equalized
assessments

(4) The Ministry of Revenue shall provide to the Regional Corporation such equalized assessment information as it may require for the purposes of any by-law enacted under this section and the provisions of Part VII apply *mutatis mutandis* in the event any equalized assessment is varied by an appeal under that Part or under *The Assessment Act*.

R.S.O. 1970,
c. 32

Advances

(5) The Regional Corporation may advance moneys to the Commission from time to time upon such terms and conditions as the Regional Council may prescribe and any moneys so advanced shall be deemed not to reduce the operation deficit referred to in subsection 2 unless the Regional Council otherwise directs.

Payment of
levy to
Commission

(6) The sums levied under subsection 2, less any advances made under subsection 5, shall be paid by the Regional Corporation to the Commission within thirty days of the making of the levy.

Notice to
area muni-
cipalities

(7) Within ten days of the passing of a by-law under subsection 1, 2 or 12, the clerk of the Regional Council shall give notice thereof to the clerk of any area municipality affected thereby, by prepaid registered post.

(8) Any area municipality affected by a by-law passed under subsection 1, 2 or 12 may appeal to the Municipal Board against such by-law by sending by prepaid registered post to the Municipal Board and to the clerk of the Regional Council a notice in writing setting forth its reasons therefor within thirty days of the passing of such by-law.

Appeal

(9) The Municipal Board shall make such inquiries into the matter as it considers necessary and may by order confirm such by-laws or make such amendments if any, to the by-law as it deems proper in the circumstances, and the order of the Municipal Board is final.

Hearing

(10) If no appeal is made against the by-law as provided in subsection 8, such by-law is valid, final and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the Regional Council.

Effect of
by-law

(11) Any area municipality may pay the amounts chargeable to it under any such by-law out of its general funds, or, subject to the approval of the Municipal Board, may pass one or more by-laws to impose a special rate or rates in one or more defined areas to raise the whole or any part of the amount charged to such area municipality.

Special
levy by
area municipality

(12) Notwithstanding subsection 2, the Regional Council shall, by by-law, levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet the deficit arising out of the total operations of the Commission for the year 1974, and provide for the payment of this levy by instalments on such terms and conditions and at such times during the years 1975, 1976 and 1977 as it deems proper.

1974
deficit

3. Section 85 of the said Act is repealed and the following substituted therefor:

s. 85,
re-enacted

85. The Regional Corporation shall be deemed to be a county for the purposes of *The General Welfare Assistance Act*, and no area municipality shall be deemed to be a municipality for the purposes of such Act, except section 2 thereof.

Liability
of
Regional
Corporation
under
R.S.O. 1970,
c. 192

4. Subsection 1 of section 86 of the said Act is repealed and the following substituted therefor:

s. 86 (1),
re-enacted

(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homemakers and Nurses Services Act* and *The Day Nurseries Act*, and no area municipality shall be deemed to be a municipality for the purposes of such Acts, except section 2 thereof.

Liability
of Region-
al Corpora-
tion under
R.S.O. 1970,
cc. 203, 104

pality shall be deemed to be a municipality for the purposes of such Acts.

s. 100*b*,
enacted

5. The said Act is amended by adding thereto the following section:

Acquiring
lands for
parks, etc.

100*b*.—(1) The Regional Council may pass by-laws for acquiring land for, and establishing, laying out and improving and maintaining, public parks, forests, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

R.S.O. 1970,
c. 384

Sale of
spirituous,
etc., liquors
in parks

(2) In addition to the powers that may be exercised under subsection 1, the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to *The Liquor Licence Act* and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1970,
c. 250

Application of
R.S.O. 1970,
c. 284

(3) Paragraphs 70 and 71 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Regional
Corporation
a municipi-
pality under
R.S.O. 1970,
c. 337

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Park lands
owned by
conservation
authority, etc.

(5) Where, under an agreement with any conservation authority or the Ministry of Natural Resources, lands vested in the conservation authority, or other lands, are managed and controlled by the Regional Corporation, the Regional Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
- (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 82 of *The Highway Traffic Act*; and

R.S.O. 1970,
c. 202

- (d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Regional Corporation and used for park purposes.

(6) An exemption from taxes under subsection 5 shall be deemed to have the same effect as an exemption from taxes under section 3 of *The Assessment Act*.

Tax exemption

R.S.O. 1970, c. 32

(7) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection 1 is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Payment in lieu of taxes

6. Section 140a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 74, section 4, and amended by 1974, chapter 117, section 6, is repealed and the following substituted therefor:

s. 140a, re-enacted

140a.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council.

Interpretation

(2) On and after the day this section comes into force, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no such facilities shall be provided in the Regional Area by any area municipality, any local board thereof, or any other person whomsoever, without the consent of the Regional Council.

Waste disposal

(3) For the purposes of subsection 2, the Regional Corporation may,

Powers of Regional Corporation

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purposes of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of a province, any agency of either of them, a local or regional municipality in Ontario or Quebec, or a local board thereof, or any other person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land; and

- (e) provide standards and regulations for vehicles, or any class or classes thereof, used for the haulage of waste to a regional waste disposal facility.

Vesting of
property
in Regional
Corporation

(4) The Regional Council may pass one or more by-laws to assume as regional waste disposal works any or all such solid waste disposal sites, works, facilities and equipment vested in any area municipality, and upon the passing of any such by-law, the sites, works, facilities and equipment specified therein shall vest in the Regional Corporation.

Payment of
outstanding
debt

(5) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date, all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the real or personal property assumed by the Regional Corporation under subsection 4.

Compensa-
tion

(6) Subject to subsection 5, the Regional Corporation shall pay to the area municipality the costs incurred by it in the acquisition of and the improvements made to any such disposal site and works assumed by a by-law passed under subsection 4 and the current value of all equipment assumed therewith.

Interest
on late
payment

(7) If the Regional Corporation fails to make any payment required by subsection 5 or 6 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Approval
of acquisi-
tion of
land

(8) No land shall be acquired under subsection 3 and no by-law shall be passed under subsection 4 without,

- (a) the approval of the area municipality in which the land is situate, which approval may be granted upon such terms and conditions as may be agreed upon; or

- (b) failing such approval or agreement, the approval of the Municipal Board.

Approval
of
Ontario
Municipal
Board

(9) The Municipal Board, before giving its approval under clause *b* of subsection 8 shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition of giving any such approval, may by its order impose such restrictions, limitations and conditions

respecting the acquisition or use of such land as to the Board may appear necessary or expedient.

(10) For the purposes of this section, the Regional Council shall, by by-law, prescribe rates or charges for the use of its disposal facilities. How cost to be borne

(11) When, in the opinion of the Regional Council, land has been used for solid waste disposal and is no longer required by the Regional Corporation for such purpose, the Regional Corporation shall not dispose of such land without first offering such land to the area municipality within which it is located for nominal consideration upon such terms and conditions as the Regional Council may prescribe. Disposal of sites

(12) Subject to the approval of the Regional Council, an area municipality may, by by-law, prescribe one or more routes to be used by vehicles, or any class or classes thereof, in hauling waste to any regional waste facility located in such area municipality and any such by-law may restrict such vehicles to specified area municipality or regional roads and may provide different restrictions by reference to the days and times set forth in the by-law. Routes

(13) If a by-law passed under subsection 12 is not approved by the Regional Council within a reasonable time, the Municipal Board may approve such by-law. Approval of O.M.B.

(14) The Municipal Board, before giving its approval under subsection 13, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition of giving any such approval, may by its order require such amendments and impose such restrictions, limitations and conditions as to the Board may appear necessary or expedient. Hearing

(15) A by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* does not apply to the Regional Corporation. Non-application of by-law under R.S.O. 1970, c. 284, s. 354 (1), par. 116

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

7. Section 2 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended s. 2. amended by adding thereto the following subsections:

Portion of Thorold annexed to Welland	(1a) That portion of the City of Thorold described as follows is annexed to the City of Welland on the 1st day of July, 1975: All of the north half of Lot 225 of the former Township of Thorold presently in the City of Thorold.
Annexation deemed by Municipal Board order	(1b) Subsection 3 applies <i>mutatis mutandis</i> to the annexation provided for in subsection 1a.
s. 98, re-enacted	8. Section 98 of the said Act is repealed and the following substituted therefor: 98.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality: 1. <i>The Anatomy Act.</i> 2. <i>The Mental Hospitals Act.</i> 3. <i>The Sanatoria for Consumptives Act.</i> 4. <i>The War Veterans Burial Act.</i>
Regional Corporation deemed city under R.S.O. 1970, cc. 21, 270, 422, 490	(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality: 1. <i>The Day Nurseries Act.</i> 2. <i>The General Welfare Assistance Act.</i> 3. <i>The Homemakers and Nurses Services Act.</i>
Regional Corporation deemed county under R.S.O. 1970, cc. 104, 192, 203	9. The said Act is amended by adding thereto the following section: 176a.—(1) On the 1st day of July, 1975, the Parks and Recreation Board of the City of Welland is dissolved and the assets and liabilities thereof are vested in and shall be assumed by The Corporation of the City of Welland. (2) The council of the City of Welland shall be deemed to be a recreation committee under <i>The Ministry of Culture and Recreation Act, 1974</i> , and a committee of management under <i>The Community Recreation Centres Act, 1974</i> , and the regulations thereunder.
s. 176a, enacted	
Welland Parks and Recreation Board dissolved	
Council of Welland deemed recreation committee and committee of management of 1974, cc. 120, 80	

PART III

THE REGIONAL MUNICIPALITY OF YORK

10. *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 174,
enacted

174. On and after the 1st day of July, 1975, paragraph 77 of section 352 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council and no area municipality shall exercise any of the powers under that paragraph. Regional
Council
may license
lodging
houses, etc.
R.S.O. 1970,
c. 284

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

11. Sections 100 and 101 of *The Regional Municipality of Waterloo Act*, 1972, being chapter 105, are repealed and the following substituted therefor: s. 100,
re-enacted
s. 101,
repealed

100.—(1) On the 1st day of July, 1975, the Regional Area health unit, and the Waterloo Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Waterloo Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit
and Board
dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by *The Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be. Regional
Corporation
to have
powers, etc.,
of local board
of health
R.S.O. 1970,
c. 377

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Public Health Act*. Regional
Corporation
deemed
municipality

(4) Section 15 of *The Public Health Act* does not apply to the Regional Corporation, and section 17 of that Act does not apply to the clerk of the Regional Corporation. Non-
application
of
R.S.O. 1970,
c. 377, ss. 15, 17

Non-application
of
R.S.O. 1970,
c. 377, ss. 13, 35

(5) Sections 13 and 35 of *The Public Health Act* do not apply to an area municipality.

Regional
Corporation
deemed
local board
R.S.O. 1970,
c. 377

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 21 and 116 and subsections 2 and 5 of section 99 and Schedule B of *The Public Health Act*.

Clerk deemed
secretary
of local board
of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 24 and 62 and subsection 2 of section 23, and subsection 7 of section 48 and Schedule B of *The Public Health Act*.

Application
of
R.S.O. 1970,
c. 377
ss. 33, 96, 118 (2)

(8) For the purposes of sections 33 and 96 and subsection 2 of section 118 of *The Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical
officer of
health, etc.,
deemed
appointed
under
R.S.O. 1970,
c. 377, s. 35

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 5 of section 35 of *The Public Health Act* employed by the Regional Corporation pursuant to subsection 13 shall be deemed to have been duly appointed under section 35 of *The Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application
of
R.S.O. 1970,
c. 377, s. 94 (1)

(10) For the purposes of subsection 1 of section 94 of *The Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application
of
R.S.O. 1970,
c. 377, ss. 125, 126

(11) The Regional Corporation may exercise the powers conferred by sections 125 and 126 of *The Public Health Act*, and no area municipality may exercise such powers.

Recovery of
expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under *The Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may, by by-law, direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of *The Public Health Act*, and the council of an area municipality

shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

(13) The Regional Corporation shall offer to employ every person who on the 30th day of June, 1975, is employed by the Waterloo Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1976, of not less than he was receiving on the 30th day of June, 1975.

Offer of employment

(14) Subsections 2, 3 and 5 of section 27 apply *mutatis mutandis* to the Regional Corporation and to persons employed under subsection 13 as though such persons were employed on the 30th day of June, 1975, by a local board of a local municipality within the Regional Area.

Application of s. 27 (2, 3, 5)

(15) Where a person employed under subsection 13 was not employed under a collective agreement on the 30th day of June, 1975, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Waterloo Regional Board of Health.

Sick leave credits

(16) Nothing in subsections 13, 14 and 15 prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination of employment

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

12. Section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the Statutes of Ontario, 1972, chapter 167, section 1 and 1974, chapter 54, section 1, is further amended by adding thereto the following subsection:

s. 3, amended

(1a) Notwithstanding subsection 1, the council of the Town of Capreol shall, on and after the 1st day of January, 1977, be composed of a mayor who shall be elected by a general vote and who shall be the head of the council, and six councillors elected by general vote.

Composition of Capreol town council

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

s. 2,
amended

- 13.** Section 2 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is amended by adding thereto the following subsections:

Portion of
Brampton
annexed to
Mississauga

(1a) That portion of the City of Brampton described as follows is annexed to the City of Mississauga on the 1st day of July, 1975:

That tract of land situate in the City of Brampton, in The Regional Municipality of Peel, formerly in the Township of Toronto Gore, Southern Division, County of Peel, and being composed of part of Lot 13 in Concession IX, east of Hurontario Street, in the said City of Brampton, more particularly described as follows:

Beginning at the most southerly angle of the said Lot 13;

Thence northwesterly along the southwesterly limit of Lot 13, to the southwesterly angle of the Clairville Dam and Reservoir lands owned by the Metropolitan Toronto and Region Conservation Authority and described in an instrument registered in the Land Registry Office for the Registry Division of Peel (No. 43) as Number 142749;

Thence northeasterly along the southerly limit of the Clairville Dam and Reservoir lands as described in the said Instrument Number 142749, 773.23 feet to an angle therein;

Thence northeasterly, continuing along the southerly limit of the Clairville Dam lands, being along the southerly limit of the lands described in an instrument registered in the said Land Registry Office as Number 175348, 523.33 feet, more or less, to the intersection with the easterly limit of the City of Brampton, which is the westerly limit of the allowance for road between the City of Brampton and the Borough of Etobicoke;

Thence southerly along the last-mentioned limit to the southeasterly angle of the said Lot 13;

Thence southwesterly along the southeasterly limit of the said Lot 13 to the place of beginning.

Annexation
deemed by
Municipal
Board order

(1b) Subsection 3 applies *mutatis mutandis* to the annexation provided for in subsection 1a.

PART VII

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

14.

The Regional Municipality of Haldimand-Norfolk Act, 1973,
being chapter 96, is amended by adding thereto the following
section:

119a.

The council of any city in the Regional Area may
pass any by-law that a board of commissioners of police of a
city is authorized to pass under *The Municipal Act*.

s. 119a,
enacted

Licensing
by-laws
may be
passed by
councils
of cities
R.S.O. 1970,
c. 284
- 15.—(1)

This Act, except sections 6, 7, 9, 10, 11 and 13, comes
into force on the day it receives Royal Assent.

Commence-
ment
- (2)

Sections 7, 9, 10, 11 and 13 shall be deemed to have come
into force on the 1st day of July, 1975.

Idem
- (3)

Section 6 comes into force on the 1st day of January,
1976.

Idem
16.

This Act may be cited as *The Regional Municipalities Amend-
ment Act, 1975*.

Short title

CHAPTER 47

**An Act to amend
The Workmen's Compensation Act**

Assented to July 3rd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 173, sections 1 and 2, is further amended by adding thereto the following clause:

(ha) "employee" includes a person who has entered into or is employed under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a learner and a member of a municipal volunteer fire brigade and a member of a municipal volunteer ambulance brigade, and an auxiliary member of a police force, and includes a person deemed to be an employee under section 11, and includes a person who is called out under *The Fires Extinguishment Act* or who is summoned to assist in controlling and extinguishing a fire under *The Forest Fires Prevention Act* or who assists in any search and rescue operation at the request of and under the direction of a member of the Ontario Provincial Police Force, but where used in Part I does not include an outworker, or an executive officer of a corporation or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business.

- (2) Clause *x* of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is repealed.
- (3) Subsection 2 of the said section 1 is amended by adding "or" at the end of clause *b* and by adding thereto the following clause:

- (c) who assists in any search and rescue operation at the request of and under the direction of a member of the Ontario Provincial Police Force, shall be deemed to be an employee of the Crown in right of Ontario while so engaged,
-

s. 11,
re-enacted

- 2.** Section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 173, section 3, is repealed and the following substituted therefor:

Person
may be
deemed
to be
employee

11.—(1) On application, an employer, an independent operator, a person the Board deems to be an employer, or an executive officer of a corporation may elect to be deemed an employee for the purposes of this Act, provided that,

- (a) he is carried on the payroll of the business at his actual earnings for the year, or files with the Board a statement of his estimated earnings for the year which is acceptable to the Board; and

- (b) he consents to the application.

Idem

(2) A person shall not be deemed under subsection 1 to be an employee unless the rate of his estimated or actual earnings yields the minimum amount of compensation provided by section 43.

Entitlement
to
compensation

(3) No person deemed an employee under subsection 1 shall be entitled to more compensation than the maximum provided by sections 39 and 44.

s. 36 (1) (a),
re-enacted

- 3.**—(1) Clause *a* of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1 and amended by 1973, chapter 173, section 1, is repealed and the following substituted therefor:

- (a) the necessary expenses of the burial or cremation of the employee, not exceeding \$600.

s. 36 (3),
re-enacted

- (2) Subsection 3 of the said section 36, as re-enacted by the Statutes of Ontario, 1973, chapter 173, section 5, is repealed and the following substituted therefor:

Idem

(3) A dependent common-law wife or husband receiving compensation under this section may not be paid compensation for acting or claiming to act as a person described in subsection 6.

- (3) Subsection 7 of the said section 36, as re-enacted by the ^{s. 36 (7),} Statutes of Ontario, 1973, chapter 173, section 5, is repealed and the following substituted therefor:

(7) In addition to any other compensation provided for, ^{Payment of} the widow or widower, or where the employee leaves no widow ^{lump sum} or widower, the person described in subsection 6, is entitled to a lump sum of \$600.

4. Subsections 1 and 3 of section 3 apply only in respect of ^{Application} accidents occurring on or after the 1st day of July, 1975.

5. The said Act is amended by adding thereto the following ^{s. 41a,} section: ^{enacted}

41a.—(1) Where the Board considers it more equitable, ^{Adjustment of rate of compensation} it may adjust the rate of compensation being paid for temporary disability by adding an additional 2 per cent of the initial compensation rate for each year from the date of the accident up to and including the year 1971, and 4 per cent of the initial compensation rate for each of the years 1972 and 1973, and 10 per cent of the initial compensation rate for the year 1974, provided that the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 44.

(2) This section applies to payments accruing on and after ^{Application} the 1st day of July, 1975, but nothing herein entitles any person to claim additional compensation for any period prior to the 1st day of July, 1975.

- 6.—(1) Subsections 1 and 5 of section 42 of the said Act, as ^{s. 42 (1, 5),} amended by the Statutes of Ontario, 1973, chapter 173, ^{re-enacted} section 1, are repealed and the following substituted therefor:

(1) Where permanent disability results from the injury, ^{Permanent disability} the impairment of earning capacity of the employee shall be estimated from the nature and degree of the injury, and the compensation shall be a weekly or other periodical payment during the lifetime of the employee, or such other period as the Board may fix, of a sum proportionate to such impairment not exceeding in any case the like proportion of 75 per cent of his average weekly earnings during the twelve months immediately preceding the accident or such lesser period as he has been employed.

Amount
awarded
may be
supplemented

(5) Notwithstanding subsection 1, where the impairment of earning capacity of the employee is significantly greater than is usual for the nature and degree of his injury, the Board may supplement the amount awarded for permanent partial disability for such period as the Board may fix, provided that the total sum of such supplement and award shall not exceed in any case the like proportion of 75 per cent of his average weekly earnings during the twelve months immediately preceding the accident or such lesser period as he has been employed, and provided that he co-operates in and is available for a medical or vocational rehabilitation program which would in the opinion of the Board aid in getting him back to work, or accepts or is available for employment which is available and which in the opinion of the Board is suitable for his capabilities.

s. 42,
amended

(2) The said section 42, as amended by the Statutes of Ontario, 1973, chapter 173, section 1 and 1974, chapter 70, section 3, is further amended by adding thereto the following subsections:

Application

(8a) Where the injury occurred prior to the 31st day of December, 1973 and an award for permanent disability is made after the 31st day of December, 1973, and the award is based on earnings prior to the 31st day of December, 1973, subsection 8 shall apply as if the award were made on the 31st day of December, 1973.

Increase
in
payments

(8b) The amounts payable under this section shall be increased by adding thereto 10 per cent thereof, effective on the 1st day of July, 1975.

s. 42 (9),
re-enacted

(3) Subsection 9 of the said section 42, as enacted by the Statutes of Ontario, 1974, chapter 70, section 3, is repealed and the following substituted therefor:

Non-
application
of
subss. 4, 6,
8-8b, s. 43 (b)

(9) Subsections 8, 8a and 8b do not apply to a commutation lump sum award, an award under subsection 4 or 6 of this section or an award under clause b of section 43 which the Board has made under this Part.

Application
of subs. 8b

(10) Subsection 8b applies to monthly payments accruing on or after the 1st day of July, 1975, where the injury occurred on or before the 31st day of December, 1974.

Application

7. Section 6 applies to monthly payments accruing on or after the 1st day of July, 1975, whether the accident occurred before or after that date and whether the award of compensation was made before or after that date, but nothing therein entitles any person to claim additional compensation for any period prior to the 1st day of July, 1975.

8.—(1) Clause *a* of section 43 of the said Act, as re-enacted by ^{s. 43 (a),} re-enacted the Statutes of Ontario, 1973, chapter 46, section 2, is repealed and the following substituted therefor:

(a) for temporary total disability,

(i) where his average earnings are not less than \$90 a week, \$90 a week, and

(ii) where his average earnings are less than \$90 a week, the amount of such earnings,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

.

(2) Subclause i of clause *b* of the said section 43, as re-enacted ^{s. 43 (b) (i),} re-enacted by the Statutes of Ontario, 1974, chapter 70, section 4, is repealed and the following substituted therefor:

(i) for permanent total disability, \$400 a month, and

.

9. Section 8 applies to payments accruing on and after the ^{Application} 1st day of July, 1975, but nothing therein entitles any person to claim additional compensation for any period prior to the 1st day of July, 1975.

10. Subsection 1 of section 44 of the said Act, as amended by the ^{s. 44 (1),} amended Statutes of Ontario, 1973, chapter 173, section 1 and 1974, chapter 70, section 5, is further amended by striking out "\$12,000" in the amendment of 1974 and inserting in lieu thereof "\$15,000".

11. Section 10 applies to payments accruing on and after the ^{Application} 1st day of July, 1975, but does not apply to a commutation lump sum award, an award under subsection 4 or 6 of section 42 of the Act, or an award under clause *b* of section 43 of the Act, and nothing in section 10 entitles any person to claim additional compensation for any period prior to the 1st day of July, 1975.

12. Clause *b* of subsection 3 of section 51 of the said Act, as ^{s. 51 (3) (b),} re-enacted re-enacted by the Statutes of Ontario, 1974, chapter 70, section 6, is repealed and the following substituted therefor:.

- (b) on application, an allowance not exceeding \$168 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$84 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace are supplied by the Board,
-

s. 91,
repealed

- 13.** Section 91 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is repealed.

s. 117 (3),
re-enacted

- 14.** Subsection 3 of section 117 of the said Act is repealed and the following substituted therefor:

Default
in
reporting
accident
or claim

- (3) Every employer who makes default in reporting or furnishing particulars of any accident or claim shall, in addition to any other penalty or liability, pay to the Board the amount set out in the regulations and the Board, subject to the approval of the Lieutenant Governor in Council, may make regulations for such purpose.

s. 118,
amended

- 15.** Section 118 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 46, section 6 and 1973, chapter 173, sections 1 and 9, is further amended by adding thereto the following subsection:

Remuner-
ation
and
expenses
of medical
officers
R.S.O. 1970,
c. 274

- (9) The Board may pay the remuneration and expenses of such medical officers as may be required to carry out the provisions of *The Mining Act* for the examination of employees or applicants for employment, out of the rates imposed under this Act for payment of silicosis claims.

Increase
in
monthly
payments

- 16.—(1)** The amounts payable under clauses *c*, *d*, *e* and *f* of subsection 1 and subsections 4 and 10 of section 36 of the said Act shall be increased by adding thereto 10 per cent thereof, effective on the 1st day of July, 1975.

Idem

- (2) Subsection 1 applies to monthly payments accruing on or after the 1st day of July, 1975, whether the accident occurred before or after that date and whether the award of compensation was made before or after that date, but does not apply to a lump sum award or to payments due prior to the 1st day of July, 1975.

Commence-
ment

- 17.** This Act shall be deemed to have come into force on the 1st day of July, 1975.

Short title

- 18.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1975*.

CHAPTER 48

An Act to amend The Territorial Division Act*Assented to July 3rd, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 27 of section 1 of *The Territorial Division Act*, ^{s. 1, par. 27, re-enacted} being chapter 458 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

27.—THE COUNTY OF OXFORD

Oxford

consists of,

- (a) the City of Woodstock;
- (b) the towns of Ingersoll and Tillsonburg;
- (c) the townships of,

Blandford-Blenheim,
East Zorra-Tavistock,
Norwich,
South-West Oxford,
Zorra.

- (2) Paragraph 44 of the said section 1 is repealed and the ^{s. 1, par. 44, re-enacted} following substituted therefor:

44.—THE TERRITORIAL DISTRICT OF ALGOMA

Algoma

consists of,

- (a) the City of Sault Ste. Marie;
- (b) the towns of Blind River, Bruce Mines, Thessalon;
- (c) the villages of Hilton Beach, Iron Bridge;

(d) the geographic townships of,

Abbott,	Bourinot,	Cudney,
Aberdeen,	Bracci,	Curtis,
Aberdeen	Bray,	Cuthbertson,
Additional,	Breckenridge,	
Abigo,	Bridgland,	
Abotossaway,	Bright,	Dablon,
Abraham,	Bright Additional,	Dagle,
Acton,	Brimacombe,	Dahl,
Aguonie,	Broome,	Dambrossio,
Alanen,	Broughton,	Daumont,
Alarie,	Brûlé,	Davieaux,
Albanel,	Bruyere,	Davin,
Alderson,	Buchan,	Day,
Allenby,	Buckles,	Deagle,
Allouez,	Bullock,	Debassige,
Amik,	Butcher,	Del Villano,
Amundsen,	Byng,	Dennis,
Anderson,		Deroche,
André,		Derry,
Archibald,	Cadeau,	Desbiens,
Arnott,	Cannard,	Doherty,
Ashley,	Carmody,	Dolson,
Assad,	Carney,	Doucett,
Assef,	Casson,	Downer,
Asselin,	Chabanel,	Dowsley,
Atkinson,	Challener,	Drew,
Avis,	Champlain,	Dulhut,
Awenge,	Chapais,	Dumas,
Aweres,	Charbonneau,	Duncan,
	Chelsea,	Dunphy,
	Chenard,	
Bailloquet,	Chesley,	
Barager,	Chesley	
Barnes,	Additional,	Eaket,
Bayfield,	Cholette,	Ebbs,
Beange,	Clouston,	Echum,
Beaton,	Cobden,	Elgie,
Beaudin,	Coderre,	Emiry,
Beaudry,	Common,	Ericson,
Beauparlant,	Concobar,	Ermine,
Beebe,	Conking,	Esquega,
Behmann,	Cooper,	Esten,
Bernst,	Copenace,	Ewen,
Bird,	Corbiere,	
Bolger,	Corboy,	
Boon,	Cowie,	Fabbro,
Bostwick,	Cromlech,	Farquhar,
Bouck,	Cross,	Fenwick,

Ferrier,	Havrot,	Kirkwood,
Fiddler,	Hawkins,	Knicely,
Finan,	Hayward,	Korah,
Fisher,	Hembruff,	
Flanders,	Herrick,	
Foch,	Hiawatha,	Labelle,
Fontaine,	Hilton,	Labonte,
Foucault,	Hodgins,	Laforme,
Foulds,	Hoffman,	Laird,
Frances,	Home,	Lalibert,
Franchère,	Hook,	Lamming,
Franz,	Hotte,	Landriault,
Frost,	Hughes,	Lane,
	Hughson,	Larkin,
	Hunt,	LaRonde,
Gaiashk,	Huotari,	Larson,
Galbraith,	Hurlburt,	Lascelles,
Gapp,	Hynes,	Lastheels,
Gaudette,		Laughren,
Gaudry,		LaVerendrye,
Gaunt,	Irving,	Lawlor,
Gerow,	Isaac,	LeCaron,
Gervais,		Leclair,
Gilbertson,		Lefebvre,
Giles,	Jackson,	Lefroy,
Gillmor,	Jacobson,	Legarde,
Gisborn,	Jarvis,	Legarde
Gladstone,	Jessiman,	Additional,
Glasgow,	Jocelyn,	Legge,
Goodwillie,	Jogues,	Leguerrier,
Gould,	Johns,	Lehman,
Gourlay,	Johnson,	Leluk,
Grasett,	Jollineau,	Lendrum,
Greenwood,	Joubin,	Lerwick,
Grenoble,	Juilette,	Lessard,
Grootenboer,		Levesque,
Groseilliers,		Lewis,
Grossman,	Kamichisitit,	Ley,
Grzela,	Kane,	Lipton,
Guindon,	Kapuskasing,	Lizar,
Gunterman,	Kars,	Loach,
	Keating,	Lockeyer,
	Keating	Long,
Hadley,	Additional,	Lougheed,
Haig,	Keesickquayash,	Lunkie,
Hallett,	Kehoe,	
Hambleton,	Kildare,	
Handleman,	Killins,	Macaskill,
Haughton,	Kincaid,	Macdonald,
Havilland,	Kirkwell,	Mack,

Maeck,	Nebotik,	Raimbault,
Magone,	Newlands,	Recollet,
Makawa,	Nicholas,	Redden,
Mandamin,	Nicolet,	Redsky,
Maness,	Noganosh,	Reilly,
Marjorie,	Norberg,	Renwick,
Marne,	Nouvel,	Restoule,
Martel,	Nuttall,	Riggs,
Martin,		Rioux,
Matthews,		Rix,
Maude,	Odlum,	Roche,
McAughey,	Olinyk,	Rollins,
McDowell,	Olsen,	Root,
McEwing,	Opasatika,	Rose,
McFarlan,	Oscar,	Rowat,
McGiverin,	Oshell,	Roy,
McGowan,	Otter,	Royal,
McIlveen,		Runnalls,
McKeough,		Running,
McMahon,	Palmer,	Ruston,
McMurray,	Parke,	Ryan,
McNie,	Parkinson,	
McParland,	Parrott,	
Meath,	Patton,	Sagard,
Meen,	Pawis,	St. Germain,
Memaskwosh,	Pearkes,	St. Joseph,
Menard,	Peever,	St. Julien,
Menzies,	Pelletier,	Sampson,
Mercer,	Pennefather,	Saunders,
Meredith,	Peterson,	Sayer,
Michano,	Piche,	Scarfe,
Mildred,	Pine,	Scholfield,
Minnipuka,	Plourde,	Scrivener,
Miskokomon,	Plummer,	Shanly,
Monestime,	Plummer	Shawkence,
Mons,	Additional,	Shedden,
Montgomery,	Poncet,	Shields,
Moorehouse,	Poulin,	Shingwaukonce,
Morin,	Prescott,	Shulman,
Morningstar,	Prince,	Simons,
Mosambik,	Proctor,	Simpson,
Musquash,	Puskuta,	Slater,
		Slievert,
		Smilsky,
		Snow,
		Spragge,
		Stefansson,
Nadjiwon,	Quill,	Stone,
Nagagami,		Stoney,
Nahwegezhic,		Strain,
Nameigos,	Raaflaub,	
Naveau,	Rabazo,	
Nebonaionquet,	Radisson,	

Strickland,	Tilston,	Walls,
Striker,	Timbrell,	Wardle,
Sturgeon,	Timmermans,	Warpula,
Suganaqueb,	Tolmonen,	Waswa,
	Tronsen,	Wawia,
	Tupper,	Way-White,
Tabobondung,	Tweedle,	Wells,
Talbott,		Welsh,
Tarbutt,		West,
Tarbutt	Usnac,	Whitman,
Additional,		Wicksteed,
Tarentorous,		Winget,
Teasdale,	Vance,	Winkler,
Tedder,	VanKoughnet,	Wiseman,
Templeton,	Varley,	Wishart,
Tennyson,	Vasiloff,	Wlasy,
Thessalon,	Vibert,	Woolrich,
Thompson,	Viel,	Worton,
Thorp,	Villeneuve,	
Tiernan,		
Tilley,	Wagg,	Yaremko,

together with all the remaining territory included within the following limits:

Commencing at the northwest corner of the Township of Downer; thence south along the west boundaries of the townships of Downer, Frances, Flanders, Foch, Drew, Welsh, Magone, Johns, Common, Hunt, and the townships of McDowell, Memaskwosh, Charbonneau, Keating, Legarde, St. Germain, and Groseilliers to the high-water mark of Lake Superior; thence south astronomically to the intersection with the International Boundary between Canada and the United States of America; thence southeasterly and easterly following the International Boundary through Lake Superior, the St. Mary's River and the expansions thereof, and the North Channel of Lake Huron to an angle in the said boundary lying between Cockburn Island and Drummond Island; thence easterly in a straight line through the North Channel of Lake Huron to a point distant one and one-half miles measured south astronomically from the south-westerly extremity of Kenny Point on Innes Island; thence north 55° east astronomically five miles; thence east astronomically three miles; thence south 36° east astronomically five and one-half miles; thence northeasterly in a straight line to the intersection of the water's edge of the North Channel of Lake Huron with the southerly production of the west boundary of the Township of Harrow; thence northerly along the said southerly production and the west

boundary of the Township of Harrow to the southeast corner of the Township of Salter; thence westerly, southerly and westerly along the south boundary of the Township of Salter to the southeast corner of the Township of Victoria; thence westerly along the south boundary of the Township of Victoria to the southwest corner thereof; thence north along the west boundary of the Township of Victoria to the southwest corner of the Township of Cadeau; thence east along the south boundary of the said township to the southwest corner of the Township of Tennyson; thence east along the south boundary of the Township of Tennyson to the southeast corner of the said township; thence north along the east boundaries of the townships of Tennyson, Boon, Mandamin and Strain to the intersection with the south boundary of the Township of Rowat; thence east along that south boundary to the southeast corner thereof; thence north along the east boundaries of the townships of Rowat, Oshell, Hotte and Del Villano to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Del Villano, Beebe, Avis, Assef and Assad to the southeast corner of the Township of Parrott; thence north along the west boundaries of the townships of Parrott, McKeough and Guindon to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Guindon, Grossman, Gisborn, Gervais, Gaunt, Foulds, Ferrier, Ewen, Butcher, Bracci and Wlasy to the intersection with the east boundary of the Township of Running; thence north along the east boundaries of the townships of Running, McParland, Hallett, Emiry, Behmann, Wawia, Shawkence and Recollet, to the northeast corner of the last-mentioned township; thence west along the north boundary of the Township of Recollet to the southeast corner of the Township of Nadjiwon; thence north along the east boundaries of the townships of Nadjiwon, Laforme, Echum, Copenace, West and Meath to the intersection with the south boundary of the Township of Acton; thence east along the south boundaries of the townships of Acton, Winget, Amik, Abigo, Kildare, Lerwick, Kirkwall, Kapuskasing and Lougheed to the southeast corner of the last-mentioned township; thence north along the east boundaries of the townships of Lougheed, Davin, Buchan, Allenby, Concobar and Shanly, to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Shanly, Bourinot, Opasatika, Abbott, Doherty and part of the Township of Pelletier, to the southeast corner of the Township of Scholfield; thence north along the east boundaries of the townships of Scholfield and Ebbs to the northeast corner of the last-mentioned township; thence west along the boundaries of the townships of Ebbs, Templeton, McFarlan

and Dowsley to the southeast corner of the Township of McEwing; thence north along the east boundaries of the townships of McEwing and Arnott to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Arnott, Cross, Mercer and Downer to the point of commencement.

The Territorial District of Algoma forms the Provisional Judicial District of Algoma.

Provisional
Judicial
District of
Algoma

The westerly boundary of the Huron Copper Bay and Mining Company's location is and has always been since the 25th day of April, 1890, the true and correct boundary line between the municipalities of Johnson, Tarbutt and Tarbutt Additional and the municipality of Plummer Additional.

Boundary
between
municipalities
of Johnson,
etc., and
Plummer
defined

(3) Paragraph 52 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 9, section 1, is repealed and the following substituted therefor:

s. 1,
par. 52,
re-enacted

52.—THE TERRITORIAL DISTRICT OF SUDBURY

Sudbury

consists of,

- (a) The Regional Municipality of Sudbury composed of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Sudbury Act, 1972*;
- (b) the towns of Espanola, Massey and Webbwood;
- (c) the geographic townships of,

Abbey,	Arden,	Battersby,
Abney,	Armagh,	Baynes,
Acadia,	Asquith,	Bazett,
Acheson,	Athlone,	Beaumont,
Addison,	Attlee,	Beckett,
Admiral,	Awrey,	Beemer,
Afton,	Aylmer,	Beilhartz,
Alcona,		Benneweis,
Alcorn,		Benton,
Allen,		Beresford,
Alton,	Bader,	Bernier,
Amyot,	Baldwin,	Beulah,
Antrim,	Balfour,	Bevin,
Appleby,	Baltic,	Bigelow,
Arbutus,	Barclay,	Biggs,

Bigwood,
 Birch,
 Biscotasi,
 Blackburn,
 Blamey,
 Blewett,
 Blezard,
 Bliss,
 Bonar,
 Bordeleau,
 Borden,
 Botha,
 Bounsall,
 Bowell,
 Brackin,
 Braithwaite,
 Breadner,
 Brebeuf,
 Broder,
 Browning,
 Brunswick,
 Brutus,
 Buckland,
 Bullbrook,
 Burr,
 Burrows,
 Burwash,
 Busby,

Cabot,
 Caen,
 Calais,
 Caouette,
 Capreol,
 Carew,
 Carruthers,
 Carter,
 Cartier,
 Carton,
 Carty,
 Cascaden,
 Casimir,
 Cassidy,
 Cavana,
 Cavell,
 Caverley,
 Ceylon,
 Chalet,
 Champagne,

Chapleau,
 Chaplin,
 Chappise,
 Cherriman,
 Chester,
 Chewett,
 Churchill,
 Clary,
 Cleland,
 Clifton,
 Cochrane,
 Collins,
 Collinshaw,
 Comox,
 Connaught,
 Coppell,
 Copperfield,
 Cortez,
 Cosby,
 Cosens,
 Cotton,
 Cox,
 Craig,
 Creelman,
 Creighton,
 Crépieul,
 Crockett,
 Crothers,
 Cull,
 Cunningham,
 Curtin,

Dale,
 Dalmas,
 Daoust,
 D'Arcy,
 D'Avaugour,
 Davis,
 Deans,
 de Gaulle,
 Delamere,
 Délaney,
 Delhi,
 Delmage,
 DeMorest,
 Denison,
 Dennie,
 Denyes,
 DesRosiers,

Dieppe,
 Dill,
 Dore,
 Dowling,
 Drea,
 Druillettes,
 Drury,
 Dryden,
 Dublin,
 Dukszta,
 Dunbar,
 Dundee,
 Dunlop,
 Dunnet,
 Dupuis,
 Durban,

Earl,
 Eaton,
 Eden,
 Edighoffer,
 Edinburgh,
 Edith,
 Eisenhower,
 Elizabeth,
 Ellis,
 Emerald,
 Emo,
 English,
 Engstrom,
 Eric,
 Ermatinger,
 Esther,
 Ethel,
 Evans,

Fairbairn,
 Fairbank,
 Falconbridge,
 Faust,
 Fawcett,
 Fawn,
 Fingal,
 Fitzsimmons,
 Floranna,
 Foleyet,
 Foster,
 Foy,

Fraleck,
Frater,
Frechette,
Frey,
Fulton,

Gallagher,
Gamey,
Gardhouse,
Garibaldi,
Garnet,
Garson,
Garvey,
Genier,
Genoa,
Gilbert,
Gilliland,
Gladwin,
Goschen,
Gough,
Gouin,
Graham,
Green,
Greenlaw,
Grigg,
Groves,

Haddo,
Haentschel,
Hagar,
Halcrow,
Halifax,
Hall,
Hallam,
Halliday,
Halsey,
Hammond,
Hancock,
Hanmer,
Hardiman,
Harrow,
Hart,
Harty,
Hassard,
Hawley,
Hazen,
Heenan,
Hellyer,

Hendrie,
Hennessy,
Henry,
Hess,
Hill,
Hodgetts,
Hoey,
Hollinger,
Hong Kong,
Hornell,
Horwood,
Hoskin,
Howey,
Hubbard,
Huffman,
Hutcheon,
Hutt,
Hutton,
Hyman,

Invergarry,
Inverness,
Iris,
Ivanhoe,
Ivy,

Jack,
Janes,
Jasper,
Jeffries,
Jennings,
Joffre,

Kalen,
Kaplan,
Keith,
Kelly,
Kelsey,
Kelso,
Kelvin,
Kemp,
Kenogaming,
Kilpatrick,
Kitchener,
Kosny,

Lackner,
La Fleche,
Lampman,
Lang,
Langlois,
Laura,
Leask,
Leeson,
Leinster,
Lemoine,
Levack,
Lillie,
Lincoln,
Lipsett,
Lloyd,
Londonderry,
Lorne,
Loughrin,
Louise,
Lumsden,
Lynch,

Macbeth,
Mackelcan,
MacIennan,
Macmurchy,
Mageau,
Mallard,
Manning,
Marconi,
Margaret,
Marion,
Marquette,
Marsh,
Marshall,
Marshay,
Martland,
Mason,
Mattagami,
May,
McBride,
McCarthy,
McConnel,
McGee,
McKim,
McKinnon,
McLeod,
McNamara,

McNaught,	Parkin,	Shenango,
McNish,	Patenaude,	Sheppard,
McOwen,	Pattinson,	Sherlock,
McPhail,	Paudash,	Sherratt,
Melrose,	Paul,	Shibananing,
Merritt,	Penhorwood,	Shipley,
Middleboro,	Peters,	Silk,
Miramichi,	Pinogami,	Singapore,
Missinaibi,	Porter,	Sladen,
Moen,	Potier,	Smuts,
Moffat,		Snider,
Moggy,		Solski,
Moher,	Racine,	Somme,
Moncrieff,	Ramsden,	Sothman,
Mond,	Raney,	Specht,
Mongowin,	Rathbun,	Stalin,
Morgan,	Ratter,	Stetham,
Morse,	Rayside,	Stobie,
Moses,	Reaney,	Stover,
Mountbatten,	Reeves,	Stralak,
Muldrew,	Regan,	Strathearn,
Munster,	Rennie,	Street,
Murdock,	Rhodes,	Strom,
Muskego,	Roberts,	Struthers,
	Roblin,	Stull,
	Rollo,	Swayze,
Nairn,	Roosevelt,	Sweeny,
Natal,		Symington,
Neelands,		
Neelon,	Sadler,	
Neill,	St. Louis,	Telfer,
Neville,	Sale,	Tilton,
Newton,	Salter,	Tofflemire,
Nimitz,	Sandy,	Togo,
Noble,	Scadding,	Tooms,
Norman,	Schembri,	Topham,
Northrup,	Scollard,	Totten,
Nursey,	Scotia,	Travers,
	Scriven,	Trill,
	Seagram,	Triquet,
Oates,	Secord,	Truman,
Ogilvie,	Selby,	Turner,
Onaping,	Selkirk,	Tyrone,
Oswald,	Semple,	
Osway,	Servos,	
Ouellette,	Sewell,	Ulster,
	Shakespeare,	Unwin,
	Sheard,	
Panet,	Shelburne,	
Parker,	Shelley,	Valin,

Venturi,	Warren,	Windego,
Vernon,	Waters,	Wisner,
Victoria,	Weeks,	
Vondette,	Westbrook,	
Vrooman,	Whalen,	Yeo,
	Whigham,	
Wakami,	Whitehead,	
Waldie,	Wigle,	Zavitz,

together with all the remaining territory included within the following limits;

Commencing at the southwest corner of the Township of Harrow; thence north along the west boundary of the Township of Harrow to the southeast corner of the Township of Salter; thence westerly, southerly and westerly along the south boundary of the Township of Salter to the southwest corner thereof; thence westerly along the south boundary of the Township of Victoria to the southwest corner thereof; thence north along the west boundary of the Township of Victoria to the northwest corner thereof; thence east along the north boundary of the Township of Victoria to the northeast corner thereof; thence east along the north boundary of the Township of Salter to the southwest corner of the Township of Gough; thence north along the west boundaries of the townships of Gough, Shibananing, Weeks and Moses to the northwest corner of the Township of Moses; thence east along the north boundary of the last-mentioned township to the southwest corner of the Township of Solski; thence north along the west boundaries of the townships of Solski, Ouellette, Gilbert and Dennie to the intersection with the south boundary of the Township of La Fleche; thence west along the south boundaries of the townships of La Fleche, Alton, Jasper, Durban, Ethel and Comox, to the southwest corner of the last-mentioned township; thence north along the west boundaries of the townships of Comox, Fulton and Iris to the northwest corner of the last-mentioned township; thence west along the south boundaries of the townships of Edighoffer, Eaton, Dukszta, Drea, Deans, Cassidy, Carruthers, Carton, Sherratt, Scriven, and Schembri to the southwest corner of the last-mentioned township; thence north along the west boundaries of the townships of Schembri, Moen, Hammond, Engstrom, Beilhartz, Windego, Topham and Cosens to the intersection with the south boundary of the Township of D'Avaugour; thence west along the said south boundary to the southwest corner thereof; thence north along the west boundaries of the townships of D'Avaugour, Hornell, Bader, Marsh, Stover and Rennie to the northwest corner of the last-mentioned township; thence east along the north boundaries of the

townships of Rennie, Leeson, Baltic, Barclay, Calais, Lloyd, Bonar, Sherlock, Shenango, Oates, Oswald, Melrose and Frey to the northeast corner of the last-mentioned township; thence south along the east boundaries of the townships of Frey, Sewell and Kenogaming to the northwest corner of the Township of Crothers; thence east along the north boundaries of the townships of Crothers, McBride, Hassard, Beemer, English and Zavitz to the northeast corner of the last-mentioned township; thence south along the east boundaries of the townships of Zavitz, Hutt, Halliday, Mond, Natal, Macmurchy, Fawcett, Ogilvie and Browning to the northwest corner of the Township of Stull; thence east along the north boundaries of the townships of Stull, McLeod, Ellis, Parker, Selby and Sladen to the northeast corner of the last-mentioned township; thence south along the east boundaries of the townships of Sladen, Shelburne, and Delhi to the southeast corner of the last-mentioned township; thence west along the south boundary of the Township of Delhi to the northeast corner of the Township of Armagh; thence south along the east boundaries of the townships of Armagh, Afton, Macbeth, McNish, Janes, Henry, Ratter and Dunnet to the southeast corner of the last-mentioned township; thence west along the south boundary of the Township of Dunnet to the northeast corner of the Township of Casimir; thence south along the east boundaries of the townships of Casimir, Haddo and Martland to the southeast corner of the last-mentioned township; thence east along the north boundary of the Township of Scollard and its easterly production to the centre line of the Little French River lying north of Okikendawt Island; thence southwesterly along the said centre line of the Little French River and the French River Main Channel adjacent to the south boundaries of the townships of Scollard, Mason, Bigwood, Allen and Struthers to the intersection with the southerly production of the east boundary of the Township of Travers; thence north along the said southerly production to the water's edge along the north shore of the said channel; thence southwesterly, westerly and southwesterly along the said water's edge and the water's edge of Georgian Bay to the intersection with the southerly production of the west boundary of the Township of Travers; thence north along the said southerly production and the west boundaries of the townships of Travers and Kilpatrick to the northwest corner of the last-mentioned township; thence west along the south boundary of the Township of Sale to the southwest corner thereof; thence north along the west boundary of the Township of Sale to the southeast corner of the Township of Goschen; thence west along the south boundaries of the townships of Goschen, Stalin, Roosevelt and Curtin, and the westerly production of the

south boundary of the last-mentioned township, to the water's edge of the North Channel of Lake Huron; thence northerly, westerly and southerly following the said water's edge to its intersection with the easterly production of the north boundary of the west part of the unsurrendered portion of the Whitefish Indian Reserve Number 4; thence west along the said production and the said north boundary to the water's edge of the North Channel of Lake Huron; thence northerly and westerly along the said water's edge to its intersection with the southerly production of the west boundary of the Township of Harrow; thence north along the said production to the point of commencement.

The Territorial District of Sudbury forms the Provisional Judicial District of Sudbury.

Provisional
Judicial
District of
Sudbury

(4) Clause *c* of paragraph 53 of the said section 1 is repealed and the following substituted therefor:

s. 1,
par. 53 (c),
re-enacted

(c) the geographic townships of,

Abrey,	Chevrier,	Esnagami,
Adamson,	Church,	Eva,
Adrian,	Cockeram,	Exton,
Aldina,	Coldwell,	
Alpha,	Colliver,	
Ames,	Colter,	Fallis,
Ashmore,	Coltham,	Fauteux,
Atikameg,	Conacher,	Fernow,
	Conant,	Fletcher,
	Conmee,	Flood,
Bain,	Corrigal,	Foote,
Barbara,	Cotte,	Forbes,
Bégin,	Croll,	Fowler,
Bell,	Crooks,	Fraleigh,
Benner,		Fulford,
Bertrand,		Furlonge,
Bickle,		
Blackwell,	Daley,	
Blake,	Danford,	
Bomby,	Davies,	Gemmell,
Booth,	Devon,	Gertrude,
Boucher,	Dorion,	Gibbard,
Brothers,	Dorothea,	Gillies,
Bryant,	Duckworth,	Glen,
Bulmer,	Dye,	Goldie,
Byron,		Golding,
		Goodfellow,
		Gorham,
Cecil,	Elmhirst,	Goulet,
Cecile,	Errington,	Grain,

Graydon, Grenville, Gzowski,	Leslie, Lett, Lindsley, Lismore, Low, Lybster, Lyon,	Parent, Parry, Patience, Patrick, Pearson, Pic, Pifher, Poisson, Priske, Purdom, Pyramid,
Hagey, Haines, Hanniwel, Hardwick, Hartington, Heathcote, Hele, Herbert, Hipel, Hogarth, Homer, Horne, Houck,	MacGregor, Manion, Mapledoram, Marks, McAllister, McComber, McCoy, McCron, McCubbin, McGill, McGillis, McIntyre, McIvor, McKelvie, McLaurin, McMaster, McQuesten, McTavish, Meader, Meinzinger, Michener, Mikano, Moss,	Rickaby, Robbins, Robertta, Robson, Rupert,
Innes, Inwood, Irwin,		Sackville, Salsberg, Sandra, Savanne, Savant, Scoble, Shabotik, Sibley, Smye, Soper, Spooner, Stedman, Stirling, Strange, Strey, Summers, Suni, Syine,
Jacques, Jean, Joynt, Jutten,		
Kilkenny, Killraine, Kirby, Kitto, Klotz, Knowles, Kowkash,	Nakina, Neebing, Nickle, Nipigon,	
Laberge, Lahontan, Lamport, Langworthy, Lapierre, Laurie, Lecours, Ledger, Leduc, Legault,	Oakes, Oboshkegan, O'Connor, Oliver, O'Meara, O'Neill,	Trewartha, Tuuri,
		Upsala,
		Vincent, Vivian,
	Paipoonge, Pardee,	Walsh,

Walters, Wardrope,	Ware, Wiggins,	Yesno
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- 2.**—(1) This Act, except subsection 1 of section 1, comes into ^{Commence-}_{ment} force on the day it receives Royal Assent.
- (2) Subsection 1 of section 1 shall be deemed to have come ^{Idem} into force on the 1st day of January, 1975.
- 3.** This Act may be cited as *The Territorial Division Amendment* ^{Short title} Act, 1975.

CHAPTER 49

**An Act to amend
The County of Oxford Act, 1974***Assented to July 3rd, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 83 of *The County of Oxford Act, 1974*, being chapter ^{s. 83,} 57, is amended by adding thereto the following subsection:

(4a) The councils of the City of Woodstock and the Town of Ingersoll may, in the year 1975, before the adoption of the estimates for the year, levy in their respective municipalities on the whole of the assessment for real property including business assessment according to the last revised assessment roll, a sum not exceeding 75 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in 1974 on residential real property of public school supporters.
2. This Act shall be deemed to have come into force on the 1st ^{Commence-} day of January, 1975. ^{ment}
3. This Act may be cited as *The County of Oxford Amendment* ^{Short title} Act, 1975.

CHAPTER 50

**An Act to amend
The Municipality of Metropolitan Toronto Act**

Assented to July 3rd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 165 of *The Municipality of Metropolitan Toronto Act*, ^{s. 165,} amended being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out “city” in the second line and inserting in lieu thereof “county”.
2. This Act comes into force on the 1st day of January, 1976. Commence-
ment
3. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1975 (No. 2)*. Short title

CHAPTER 51

An Act respecting the City of Hamilton

Assented to July 3rd, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to sections 2, 3 and 4, the council of The Corporation of the City of Hamilton may by by-law guarantee, on such terms and conditions as the by-law prescribes, the repayment of a mortgage given by 263714 Management Inc. in respect of a project, being the construction of a multi-purpose ice arena to be located on part of Lot 27, Concession I, formerly in the Township of Saltfleet, now in the City of Hamilton. Guarantee authorized

2. The by-law shall provide that payments under the guarantee by The Corporation of the City of Hamilton are not to exceed the annual sum of \$200,000 for a period not to exceed ten years and shall provide for such equity interest by The Corporation of the City of Hamilton in the project or in the company or for such other security as the council considers advisable. Terms of guarantee

3. Where a guarantee is given by The Corporation of the City of Hamilton pursuant to a by-law passed under section 1, the treasurer of the Corporation shall from time to time examine and inspect the books and records of 263714 Management Inc. during the period of the guarantee. Treasurer may inspect books and records

4. A by-law passed under section 1 does not take effect until approved by the Ontario Municipal Board in accordance with *The Ontario Municipal Board Act*. Approval of O.M.B.
R.S.O. 1970, c. 323

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The City of Hamilton Act*, 1975. Short title

CHAPTER 52

**An Act to amend
The Health Insurance Act, 1972***Assented to July 8th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Health Insurance Act, 1972*, ^{s. 1 (k), re-enacted} being chapter 91, is repealed and the following substituted therefor:

(*k*) “physician” means a legally qualified medical practitioner lawfully entitled to practise medicine in the place where medical services are rendered by him.

- 2.—(1) Section 5*a* of the said Act, as enacted by the Statutes of ^{s. 5*a*, amended} Ontario, 1974, chapter 60, section 2, is amended by adding thereto the following subsection:

(1*a*) Every practitioner review committee is a committee ^{Committee of board or college} of the board or college that nominates persons appointed as members of the committee.

- (2) Subsection 6 of the said section 5*a* is amended by striking ^{s. 5*a* (6), amended} out “or the Appeal Board” in the fifth and sixth lines and inserting in lieu thereof “the Appeal Board or the board or college of which it is a committee”.

3. The said Act is amended by adding thereto the following ^{s. 20*a*, enacted} section:

20*a*.—(1) A practitioner engaged in the practice of a ^{Billing by practitioner} discipline designated by the regulations may submit his accounts for the performance of insured services directly to the Plan for payment thereof directly to him by notifying the General Manager of his intention to do so in the manner and subject to the requirements prescribed by the regulations.

Methods of
billing
prohibited

(2) Where a practitioner submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations.

Require-
ments where
Plan billed

(3) Where a practitioner submits his accounts directly to the Plan under this section,

(a) payment thereof shall be made directly to him;

(b) he shall not submit any account for any amount to the patient in respect of insured services; and

(c) the payment by the Plan for the insured services performed constitutes payment in full of the account therefor.

Notification
about leaving
Plan

(4) A practitioner may at any time notify the General Manager in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the General Manager receives such notification.

Plan not
to pay
directly

(5) The General Manager shall not make any payment in respect of the performance of insured services directly to any practitioner engaged in the practice of a discipline designated by the regulations who does not submit his accounts therefor directly to the Plan under this section.

Transitional
provision

(6) Every practitioner engaged in the practice of a discipline designated by the regulations who was submitting his accounts directly to the Plan immediately before the discipline is designated by the regulations for the purpose of this section shall be considered to be one who is submitting his accounts directly to the Plan under this Act.

s. 22 (2),
amended

4.—(1) Subsection 2 of section 22 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 60, section 5, is amended,

(a) by inserting after “reimbursement” in the seventeenth line “from the physician”; and

(b) by inserting after “28” in the eighteenth line “and subsections 3 to 9 of section 29”.

(2) Subsection 3 of the said section 22, as enacted by the Statutes of Ontario, 1974, chapter 60, section 5, is ^{s. 22 (3), amended} amended,

(a) by inserting after "reimbursement" in the twenty-first line "from the practitioner"; and

(b) by inserting after "28" in the twenty-third line "and subsections 3 to 9 of section 29".

5. Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 60, section 6, is further ^{s. 24 (1), amended} amended,

(a) by adding thereto the following clause:

(d) carries out a recommendation of the Medical Review Committee or a practitioner review committee that he require and recover reimbursement of any overpayment by the Plan,

and,

(b) by striking out "applicant or claimant" in the eighth and ninth lines and inserting in lieu thereof "applicant, claimant, physician or practitioner, as the case may be".

6. Section 26 of the said Act is repealed and the following substituted therefor: ^{s. 26, re-enacted}

26. The General Manager and,

Parties

(a) in the case of a refusal under clause *a* or *b* of subsection 1 of section 24, the applicant;

(b) in the case of a refusal or reduction under clause *c* of subsection 1 of section 24, the insured person and his physician or practitioner; or

(c) in the case of the carrying out of a recommendation under clause *d* of subsection 1 of section 24, the insured person and his physician or practitioner and the Medical Review Committee or practitioner review committee, as the case may be,

and such other persons as the Appeal Board may specify, are parties to proceedings before the Appeal Board.

7.—(1) Subsection 1 of section 29 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 60, section 7, is ^{s. 29 (1), re-enacted} repealed and the following substituted therefor:

Furnishing
reasons to
professional
governing
body

(1) Where a decision of the General Manager to refuse or reduce a payment or to require and recover reimbursement of any overpayment of any amount paid by the Plan on any of the grounds referred to in clauses *a* to *d* of subsection 2 or 3 of section 22 has become final, the General Manager shall furnish the Minister and the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the General Manager may furnish such governing body with a copy of the decision and the reasons therefor.

s. 29 (3),
re-enacted

(2) Subsection 3 of the said section 29, as enacted by the Statutes of Ontario, 1974, chapter 60, section 7, is repealed and the following substituted therefor:

Notice

(3) Where a decision of the General Manager to carry out a recommendation referred to in clause *d* of subsection 1 of section 24 has become final in respect of a physician or practitioner who is not submitting his accounts directly to the Plan, the General Manager may serve notice on the physician or practitioner of the amount of the overpayment to be recovered by the General Manager from the physician or practitioner.

Contents
of notice

(4) A notice under subsection 3 shall set out or be accompanied by a written statement that identifies each of the insured services and the amount paid by the Plan for each of the services, and the notice shall inform the physician or practitioner that he is entitled to a hearing by the Appeal Board in respect of the services for the purpose of ensuring that the amount to be recovered from the physician or practitioner in respect of each of the services does not exceed the amount received by the physician or practitioner for the service if the physician or practitioner mails or delivers to the General Manager and to the Appeal Board, within fifteen days after the notice is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Duty of
Board

(5) On a hearing under this section, the Appeal Board shall determine the amount received by the physician or practitioner for each service identified in the statement mentioned in subsection 4, and the amount of the reimbursement to the Plan to be recovered from the physician or practitioner in respect of each of the services shall not exceed the amount that the Appeal Board determines was received by the physician or practitioner for the service.

(6) The General Manager, the physician or practitioner ^{Parties} and such other persons as the Appeal Board may specify are parties to the proceedings before the Appeal Board under this section.

(7) Subsection 2 of section 25 and sections 27 and 28 ^{Application of ss. 25 (2), 27, 28} apply to proceedings before the Appeal Board under this section.

(8) Where notice is served pursuant to subsection 3 and no hearing is required or no appeal is taken or the decision referred to in subsection 3 is confirmed or varied upon a hearing or an appeal, the General Manager may file a copy of the decision or of the decision as confirmed or varied, including the amount to be recovered from the physician or practitioner by the General Manager for reimbursement to the Plan and excluding the reasons for the decision or for the decision as confirmed or varied, in the office of the Registrar of the Supreme Court and the decision shall be entered and is enforceable in the same way as a judgment of the Supreme Court. ^{Decision may be filed and enforced}

(9) Where the Appeal Board or the Supreme Court extends the time for a hearing or an appeal and a decision ^{Stay of enforcement of decision} has been filed in the office of the Registrar of the Supreme Court, the Appeal Board or the Supreme Court, as the case may be, may stay the enforcement of the decision pending the hearing or appeal.

8. Section 30 of the said Act is amended by striking out “third” ^{s. 30, amended} in the sixth line and inserting in lieu thereof “seventh”.

9.—(1) Subsection 1 of section 51 of the said Act, as amended ^{s. 51 (1), amended} by the Statutes of Ontario, 1974, chapter 60, section 12, is further amended by adding thereto the following clauses:

(ha) designating disciplines for the purpose of section 20a;

.

(ka) prescribing services that, notwithstanding any provision of this Act, shall be deemed,

(i) not to be insured services in respect of prescribed age groups of insured persons, or

(ii) to be insured services only in respect of prescribed age groups of insured persons,

but no service or age group shall be prescribed under this clause that disqualifies the Plan as a medical care insurance plan under the *Medical Care Act* (Canada). ^{R.S.C. 1970, c. M-8}

s. 51 (1),
amended

- (2) Subsection 1 of the said section 51 is further amended by adding thereto the following clauses:
 - (na) providing for the times when and manner in which practitioners may submit accounts directly to the Plan under section 20a;

.

- (oa) exempting any class of accounts from the application of section 20a or any provision thereof.

s. 51,
amended

- (3) The said section 51, as amended by the Statutes of Ontario, 1974, chapter 60, section 12 and chapter 86, section 4, is further amended by adding thereto the following subsection:

When
regulation
may be
effective

- (3) A regulation is, if it so provides, effective with reference to a period before it is filed.

Commence-
ment

- 10. This Act comes into force on the day it receives Royal Assent.

Short title

- 11. This Act may be cited as *The Health Insurance Amendment Act, 1975*.

CHAPTER 53

**An Act to amend
The Ministry of Health Act, 1972***Assented to July 8th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Ministry of Health Act, 1972*, being chapter 92, ^{s. 3, amended} is amended by adding thereto the following subsections:

(3) Where, under this or any other Act, power to make an agreement is granted to or vested in the Minister, he may, in writing, delegate that power to the Deputy Minister or to any officer or officers of the Ministry subject to such limitations, conditions and requirements as the Minister may set out in the delegation. ^{Delegation of authority}

(4) Notwithstanding *The Executive Council Act*, an agreement made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Minister. ^{Effect of R.S.O. 1970, c. 153}

2. Section 10 of the said Act is amended by adding thereto the following clauses: ^{s. 10, amended}

(f) establish, maintain and operate facilities for the diagnosis, surveillance and treatment of tuberculosis and for the diagnosis and surveillance of other respiratory diseases;

(g) provide payment to physicians and other persons for the administration of treatment to outpatients suffering from tuberculosis.

3. Section 12 of the said Act is amended by adding thereto the following clause: ^{s. 12, amended}

(h) governing the establishment, maintenance, operation and use of and the treatment provided in facilities for the diagnosis, surveillance and treat-

ment of tuberculosis, and governing the establishment, maintenance, operation and use of facilities for the diagnosis and surveillance of other respiratory diseases.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ministry of Health Amendment Act, 1975*.

CHAPTER 54

**An Act to amend
The Pregnant Mare Urine Farms Act***Assented to July 8th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 2 of *The Pregnant Mare Urine Farms Act*, being chapter 359 of the Revised Statutes of Ontario, 1970, is amended by striking out “subject to subsection 2” in the fifth and sixth lines. s. 2 (1),
amended
- (2) Subsection 2 of the said section 2 is repealed. s. 2 (2),
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Pregnant Mare Urine Farms Amendment Act, 1975*. Short title

CHAPTER 55

**An Act to amend
The Ontario Transportation Development
Corporation Act, 1973**

Assented to July 8th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Transportation Development Corporation Act, 1973*, ^{s. 14a, enacted} being chapter 66, is amended by adding thereto the following section:

14a.—(1) The Corporation may, where authorized by a special resolution, Corporation may dispose of property

(a) sell, lease or otherwise dispose of all or substantially all of its property and liabilities to another body corporate,

(i) which has objects similar to those of the Corporation, and

(ii) of which, the beneficial ownership of equity shares is restricted to Her Majesty in right of Ontario, of any of the other provinces of Canada, or of Canada; and

(b) receive, in consideration of any property so disposed, securities of the body corporate together with the assumption by the body corporate of the liabilities of the Corporation.

(2) The Corporation may,

(a) transfer to the Minister to hold on behalf of Her Majesty in right of Ontario any equity shares that the Corporation receives under subsection 1; or

Corporation may transfer shares

(b) cause to be issued to the Minister to hold on behalf of Her Majesty in right of Ontario any equity shares that the Corporation is entitled to receive under subsection 1.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Transportation Development Corporation Amendment Act, 1975*.

CHAPTER 56

An Act to amend The Municipal Act*Assented to July 8th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Section 248*a* of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 136, section 3, is amended by inserting after “Act” in the first line “or in any other general or special Act” and by inserting after “grants” in the third line “on such terms and conditions as to security and otherwise as the council may consider expedient”. s. 248*a*,
amended
- (2) The said section 248*a* is further amended by adding thereto the following subsections: s. 248*a*,
amended
- (2) The power to make a grant includes the power to guarantee a loan and to make a grant by way of loan and to charge interest on such loan. Loans
and
guarantees
- (3) A guarantee of loan made under this section shall be deemed to be a debt for the purposes of section 293 and, where the term of the loan in respect of which such guarantee is made may extend beyond the current year, such guarantee shall be deemed to be an act, the cost of which is to be raised in a subsequent year and shall be subject to the provisions of section 64 of *The Ontario Municipal Board Act*. Applica-
tion

R.S.O. 1970,
c. 323
- (4) For the purposes of this section, “person” includes a municipal corporation. Interpre-
tation
- 2.**—(1) Subsection 2 of section 250 of the said Act is amended by striking out “Subject to the approval of the Ministry” in the first line. s. 250 (2),
amended
- (2) Subsection 3 of the said section 250 is repealed. s. 250 (3),
repealed
- (3) Subsection 4 of the said section 250, as re-enacted by the Statutes of Ontario, 1973, chapter 175, section 2, s. 250 (4),
amended

is amended by striking out “or the year’s maximum pensionable earnings established at the time he ceased to be employed by the municipality or local board” in the thirteenth, fourteenth and fifteenth lines and inserting in lieu thereof “or the average of the year’s maximum pensionable earnings for the year in which he ceases to be employed by the municipality or local board and for each of the two preceding years”.

s. 304a,
amended

- 3.**—(1) Section 304a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 6 and amended by 1973, chapter 83, section 5 and 1974, chapter 136, section 8, is further amended by adding thereto the following subsections:

Interpre-
tation

(3f) For purposes of subsection 3a, a telephone company that is entitled to receipts from another telephone company under a traffic agreement means a telephone company that is entitled to receive the net balance of the long distance revenues collected under the terms of a traffic agreement after the commissions and associated claims payable under that agreement have been settled.

Idem

(3g) For purposes of subsection 3b, a telephone company which makes payment to another telephone company under the terms of a traffic agreement means a telephone company which transmits to another telephone company pursuant to the terms of a traffic agreement the net balance of the long distance revenues collected under the terms of that traffic agreement after the commissions and associated claims payable under the agreement have been settled.

Idem

(3h) For purposes of subsection 3d, toll traffic means traffic for which a subscriber is charged according to a long distance tariff.

s. 304a (6),
re-enacted

- (2) Subsection 6 of the said section 304a, as enacted by the Statutes of Ontario, 1973, chapter 83, section 5, is repealed and the following substituted therefor:

Levy before
estimates
adopted

(6) Section 303 applies *mutatis mutandis* to an annual tax levied by any local municipality under this section, except that the amount which may be levied against any company pursuant to this subsection shall not exceed 50 per cent of the total annual tax levied by such local municipality against that company in the next preceding year under subsection 4 and 4a, and no levy may be made pursuant to this subsection in any year unless the municipality has by by-law provided generally for a levy before the adoption of the estimates for that year.

- 4.—(1) Paragraph 13 of section 352 of the said Act is amended by striking out “and for making contributions towards the expenses of such Association and paying the expenses of delegates to any meeting of it or upon its business” in the third, fourth and fifth lines and inserting in lieu thereof “and paying the expenses of delegates to any meeting of such Association or upon its business”. s. 352, par. 13, amended
- (2) Paragraph 14 of the said section 352 is repealed. s. 352, par. 14, repealed
- (3) Paragraph 27 of the said section 352 is repealed. s. 352, par. 27, repealed
- (4) Paragraph 29 of the said section 352 is amended by striking out “or for granting money to aid in the construction of” in the first and second lines. s. 352, par. 29, amended
- (5) Paragraph 32 of the said section 352 is amended by striking out “or for granting money in aid” in the fourth line. s. 352, par. 32, amended
- (6) Paragraph 33 of the said section 352 is amended by striking out “granting or” in the first line. s. 352, par. 33, amended
- (7) Paragraph 33*a*, as enacted by the Statutes of Ontario, 1972, chapter 124, section 9, and paragraph 34 of the said section 352 are repealed. s. 352, pars. 33*a*, 34, repealed
- (8) Paragraph 39 of the said section 352 is amended by striking out “money or” in the first line. s. 352, par. 39, amended
- (9) Paragraph 40 of the said section 352 is amended by striking out “money or” in the first line. s. 352, par. 40, amended
- (10) Paragraph 42 of the said section 352 is amended by striking out “grants or” in the first and second lines. s. 352, par. 42, amended
- (11) Paragraphs 45 and 46 of the said section 352 are repealed. s. 352, pars. 45, 46, repealed
- 5.—(1) Paragraph 51 of subsection 1 of section 354 of the said Act is repealed. s. 354 (1), par. 51, repealed
- (2) Subsection 1 of the said section 354 is amended by adding thereto the following paragraph:

57*a*. Notwithstanding paragraphs 55 and 57, for providing for the clearing away and removal of snow and ice at the expense of the municipality from the sidewalks on the highways in front of, alongside or at the rear of buildings owned or occupied by any class or classes of persons, and from those portions of walkways between the highways or the

Removal of snow and ice from sidewalks, etc., at municipality's expense

public sidewalks on highways, as the case may be, and the lowest step of the principal place of entrance of such buildings.

s. 354 (1),
par. 126,
re-enacted

- (3) Paragraph 126 of subsection 1 of the said section 354, as amended by the Statutes of Ontario, 1972, chapter 124, section 10, is repealed and the following substituted therefor:

Signs

126. For prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any by-law passed under this paragraph may provide that a sign or other advertising device that was lawfully erected or displayed on the day the by-law comes into force but that does not comply with the by-law, shall be,

(a) made to comply with the by-law; or

(b) removed by the owner thereof or by the owner of the land on which it is situate,

on or before the expiration of five years from the day the by-law comes into force.

Temporary
signs

126a. A by-law passed under paragraph 126 may define a class or classes of signs or other advertising devices and may specify a time period during which signs or other advertising devices in a defined class may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired.

Production
of
plans

126b. A by-law passed under paragraph 126 may require the production of the plans of all signs or other advertising devices to be erected, displayed, altered or repaired and provide for the charging of fees for the inspection and approval of such plans and for the fixing of the amount of such fees and for the issuing of a permit certifying to such approval and may prohibit the erection, display, alteration or repair of any sign or advertising device where a permit has not been obtained therefor and may authorize the refusal of a permit for any sign or other advertising device that if erected or displayed would be contrary to the provisions of any by-law of the municipality.

(a) A change in the message displayed by a sign or other advertising device does not in itself constitute an alteration so as to require a permit.

126c. A by-law passed under paragraph 126 may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of the by-law and may require any person who,

Pulling down,
etc., signs
illegally
erected

- (a) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so; or
- (b) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such sign or other advertising device comply with the by-laws of the municipality if it does not so comply or to remove such sign or other advertising device within such period of time as the by-law specifies.

6. Paragraph 1 of section 366 of the said Act is repealed.

s. 366,
par. 1,
repealed

7. Section 367 of the said Act is repealed.

s. 367,
repealed

8. The said Act is amended by adding thereto the following section:

s. 368a,
enacted

368a.—(1) By-laws may be passed by the councils of all municipalities for licensing, regulating, governing and inspecting body-rub parlours and for revoking or suspending any such licence and for limiting the number of licences to be granted, in accordance with subsection 3.

Licensing,
regulating,
etc., body-
rub parlours

(2) A by-law passed under this section may provide for regulating the placement, construction, size, nature and character of signs, advertising, and advertising devices posted or used for the purpose of promoting body-rub parlours or for the prohibition of such signs, advertising, or advertising devices.

Signs,
advertising,
etc.

(3) A by-law passed under this section may define the area or areas of the municipality in which body-rub parlours may or may not operate and may limit the number of licences to be granted in respect of body-rub parlours in any such area or areas in which they are permitted.

Defined areas,
limitation
on numbers

(4) A by-law passed under this section may provide that no premises in which a body-rub parlour is located shall be constructed or equipped so as to hinder or prevent the enforcement of the by-law.

Construction
and equip-
ment of
premises

Entry

(5) Where a medical officer of health or a public health inspector acting under his direction, or a peace officer, has reason to suspect that a breach of any provision of a by-law passed under this section has occurred in respect of a body-rub parlour, he may enter such body-rub parlour, at any time of the night or day, for purposes of carrying out the enforcement of a by-law passed under this section.

Interpre-
tation

(6) For the purposes of this section,

(a) "body-rub" includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario; and

(b) "body-rub parlour" includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

s. 371, par. 1,
amended

9. Paragraph 1 of section 371 of the said Act is amended by striking out "for making contributions towards the expenses of such Association and paying the expenses of delegates to any meeting of it or upon its business" in the third, fourth and fifth lines and inserting in lieu thereof "paying the expenses of delegates to any meeting of such Association or upon its business".

s. 373, par. 10,
re-enacted

10. Paragraph 10 of section 373 of the said Act is repealed and the following substituted therefor:

10. In respect of highways under the jurisdiction of the council,

Licensing
livery
stables,
etc.

(a) for licensing, regulating and governing the keepers of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles used or kept for hire, and teamsters;

Rates
of
fare

(b) for regulating the fares to be charged for the conveyance of goods or passengers;

(c) for the exercise of the powers conferred upon the councils of local municipalities by paragraph 107 of subsection 1 of section 354. Regulating traffic

- 11.** Subsection 8 of section 412 of the said Act is repealed. s. 412 (8), repealed
- 12.** Clause *b* of subsection 4 of section 457 of the said Act is repealed. s. 457 (4) (b), repealed
- 13.**—(1) Clause *b* of subsection 1 of section 487 of the said Act is amended by adding at the end thereof “and may grant money to such public libraries”. s. 487 (1) (b), amended
- (2) Clause *l* of subsection 1 of the said section 487 is amended by adding at the end thereof “and may grant money to be expended for the planting of shade or ornamental trees upon any such highway”. s. 487 (1) (l), amended
- 14.**—(1) This Act, except subsection 1 of section 3, comes into force on the day it receives Royal Assent. Commencement
- (2) Subsection 1 of section 3 shall be deemed to have come into force on the 14th day of February, 1975. Idem
- 15.** This Act may be cited as *The Municipal Amendment Act, 1975* (No. 2). Short title

CHAPTER 57

An Act to amend The Stock Yards Act*Assented to July 8th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Stock Yards Act*, being chapter 448 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

7.—(1) All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to, ^{Application}

- (a) operating expenses;
- (b) payment of interest on indebtedness;
- (c) repayment of principal moneys borrowed; and
- (d) improvement of its premises and facilities, including the purchase of fixed assets.

(2) Subject to subsection 4, any surplus moneys remaining in any year after the payments mentioned in subsection 1 are made in that year shall, where such moneys are not immediately required for the purposes of subsection 1, be used to establish and maintain a reserve fund, ^{Surplus moneys}

- (a) the amount of which shall not exceed \$500,000;
- (b) the interest from which shall be used by the Board for the operation of its undertakings; and
- (c) the principal of which may from time to time be used by the Board for any purpose approved by the Lieutenant Governor in Council upon the recommendation of the Board and the Minister.

(3) Moneys used to establish and maintain the reserve fund shall be paid to the Treasurer of Ontario and ^{Reserve fund}

R.S.O. 1970,
c. 166

deposited in the Consolidated Revenue Fund and shall constitute a fund to be known as the Ontario Stock Yards Board Reserve Fund and section 16 of *The Financial Administration Act* applies thereto.

Use of
surplus
moneys

(4) In any year in which the amount of the reserve fund is \$500,000, the surplus moneys referred to in subsection 2 shall be used to reduce the fees charged by the Board for services provided at any stock yard that it operates.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Stock Yards Amendment Act, 1975*.

CHAPTER 58

The Ontario Agricultural Museum Act, 1975*Assented to July 8th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “Board” means the Ontario Agricultural Museum Advisory Board;
- (b) “donation” includes any gift, testamentary disposition, deed of trust or other form of contribution;
- (c) “Minister” means the Minister of Agriculture and Food;
- (d) “Museum” means the Ontario Agricultural Museum. R.S.O. 1970, c. 306, s. 1, *amended*.

2. The Minister is responsible for the administration of this Act. *New.*

Administra-
tion of
Act

3.—(1) The Ontario Agricultural Museum is continued.

Museum
continued

(2) The affairs of the Museum are under the control of the Minister and the Minister has all the powers necessary for the purpose of carrying out the objects of the Museum. R.S.O. 1970, c. 306, s. 2, *amended*.

Powers of
Minister

4.—(1) The Ontario Agricultural Museum Advisory Board is continued. R.S.O. 1970, c. 306, s. 4 (1), *amended*.

Board
continued

(2) The Board shall consist of not fewer than five and not more than eleven members appointed by the Lieutenant Governor in Council, of whom at least two shall be members of the public service of Ontario.

Composition
of Board

(3) The Lieutenant Governor in Council shall designate one of the members of the Board as chairman and one of

Chairman
and vice-
chairman

them as vice-chairman of the Board. R.S.O. 1970, c. 306, s. 4 (2, 3).

Remunera-
tion

(4) Members of the Board, other than full-time members of the public service of Ontario, shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. *New.*

Term of
appointment

(5) A member of the Board may be appointed for a term not exceeding three years but may be reappointed for one or more further terms.

Quorum

(6) A majority of the members of the Board constitutes a quorum. R.S.O. 1970, c. 306, s. 4 (4, 5).

Duties
of Board

5. The object and purpose of the Board is to consider matters relating to the objects of the Museum and to make recommendations thereon to the Minister. R.S.O. 1970, c. 306, s. 5.

Chief
executive
officer
and staff
R.S.O. 1970,
c. 386

6.—(1) A chief executive officer of the Museum may be appointed under *The Public Service Act* and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Museum.

Duties of
chief
executive
officer

(2) The chief executive officer shall have the management and administration of the Museum, subject to the supervision and direction of the Minister. R.S.O. 1970, c. 306, s. 3, *amended.*

Objects of
Museum

7. The objects of the Museum are,

- (a) to display and illustrate to the public articles or documents relating to or used in agricultural or horticultural pursuits in Ontario;
- (b) to inform and stimulate the interest of the public in matters depicted by the Museum; and
- (c) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage things of historical or architectural interest relating to or used in agricultural or horticultural pursuits in Ontario. R.S.O. 1970, c. 306, s. 6, *amended.*

Powers of
Minister

8. The Minister is authorized,

- (a) to acquire property, whether by purchase, donation, lease, public subscription, grant, bequest or otherwise;

- (b) to enter into agreements with prospective donors with respect to any conditions governing the use of property;
- (c) to enter into agreements with any person respecting any matter within the objects of the Museum and to pay moneys to such persons pursuant to any such agreement;
- (d) to establish and operate facilities on the lands of the Museum for,
 - (i) the sale of food, beverages, books, artifacts and other wares, and
 - (ii) the parking of vehicles;
- (e) subject to the terms of any trust in connection with such property, to dispose of property by sale, lease, loan or any other manner, and to execute such deeds or other instruments as may be required to effect such disposal;
- (f) to conduct exhibitions, programs and special events on the lands of the Museum; and
- (g) to engage the services of such experts and other persons as are considered expedient. *New.*

9.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may delegate in writing any power or duty granted to or vested in him under this Act to any officer or officers of the Museum, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation. Delegation
of powers

(2) Notwithstanding *The Executive Council Act*, contracts and title documents respecting any matter under the administration or control of the Minister that are entered into by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown. *New.* Enforcement
of contracts
R.S.O. 1970,
c. 153

10. The fiscal year of the Museum begins on the 1st day of April in any year and ends on the 31st day of March in the following year. *New.* Fiscal
year

11.—(1) Any moneys realized from the sale of property or artifacts under section 8 shall be paid into the Consolidated Revenue Fund and shall be held by the Treasurer of Ontario Sale of
artifacts

R.S.O. 1970,
c. 166

in trust for the Museum and section 16 of *The Financial Administration Act* applies to such moneys.

Use of
moneys

(2) Any moneys to which subsection 1 applies may be used by or on behalf of the Museum for the purpose of purchasing such property and artifacts as are consistent with the objects of the Museum. *New.*

Annual
report of
Minister

12.—(1) The Minister shall make a report annually upon the affairs of the Museum and shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reports by
chief
executive
officer

(2) The chief executive officer of the Museum shall make a report annually to the Minister and such other reports as the Minister from time to time may require. *New.*

Audit

13. The accounts and financial transactions of the Museum shall be audited annually by the Provincial Auditor. *New.*

Regulations

14.—(1) The Lieutenant Governor in Council may make regulations,

- (a) respecting the administration of the Museum;
 - (b) appointing an executive committee of the Board and setting out its powers and duties;
 - (c) regulating the meetings of the Board;
 - (d) regulating and governing the use by the public of the facilities, property and equipment acquired for the purposes of the Museum;
 - (e) requiring the payment of fees for the admission of the public or any class thereof to the Museum, and prescribing the amounts; and
 - (f) respecting any other matters incidental to or necessary for carrying out the objects of the Museum.
- R.S.O. 1970, c. 306, s. 8 (1), *amended.*

Penalty

(2) Any person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1970, c. 306, s. 8 (2), *amended.*

Moneys

15. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 306, s. 9.

16. *The Ontario Agricultural Museum Act*, being chapter 306 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}

17. This Act comes into force on the day it receives ^{Commence-}
Royal Assent. _{ment}

18. This Act may be cited as *The Ontario Agricultural* ^{Short title}
Museum Act, 1975.

CHAPTER 59

The Mineral Emblem Act, 1975*Assented to July 8th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The mineral known as amethyst is adopted as and shall be deemed to be the mineral emblem of the Province of Ontario. Mineral emblem of Ontario
- 2.** This Act comes into force on the day it receives Royal Assent. Commencement
- 3.** This Act may be cited as *The Mineral Emblem Act*, 1975. Short title

CHAPTER 60

An Act to amend The Theatres Act

Assented to July 8th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Theatres Act*, being chapter 459 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 56, is further amended by adding thereto the following clause:
 - (ba) “exhibit” when used in respect of film or moving pictures, means to show film for viewing for direct or indirect gain or for viewing by the public and “exhibition” has a corresponding meaning.
- (2) Clause *c* of the said section 1 is repealed and the following substituted therefor:
 - (c) “film” means cinematographic film, videotape and any other medium from which may be produced visual images that may be viewed as moving pictures.
- (3) Clause *e* of the said section 1 is repealed and the following substituted therefor:
 - (e) “film exchange” means the business of renting, leasing, selling or distributing film.
- (4) Clauses *h*, *i* and *j* of the said section 1 are repealed and the following substituted therefor:
 - (h) “projection equipment” or “projector” means the equipment necessary or used for the transducing from a film to moving images, including equipment for accompanying sound;

(i) “projection room” means the room in which projection equipment is located while in use;

(j) “projectionist” means a person who operates projection equipment.

s. 1 (*l*),
repealed

(5) Clause *l* of the said section 1 is repealed.

s. 1 (*n*),
re-enacted
s. 1 (*o*, *p*),
repealed

(6) Clauses *n*, *o* and *p* of the said section 1 are repealed and the following substituted therefor:

(*n*) “standard film” means cinematographic film of 35 millimetres or more in width.

s. 4 (2) (*f*),
re-enacted

2. Clause *f* of subsection 2 of section 4 of the said Act is repealed and the following substituted therefor:

(*f*) in the performance of his duties to enter any building or premises in which film is exhibited or that is occupied by a film exchange.

s. 38 (1),
re-enacted

3. Subsection 1 of section 38 of the said Act is repealed and the following substituted therefor:

Units for
approval

(1) Every film or class of film submitted to the Board for approval under section 36 shall be in such lengths or units as are prescribed by the regulations and each such length or unit shall be in a container therefor.

Certificate
to
accompany
film

(1*a*) A certificate signed by the chairman or vice-chairman of the Board shall be issued in respect of the approval of the film in each container and shall accompany the film at all times.

s. 42,
re-enacted

4. Section 42 of the said Act is repealed and the following substituted therefor:

Film
exchange
licence

42. No person shall carry on the business of a film exchange without a licence therefor from the Director.

s. 55 (1),
re-enacted

5. Subsection 1 of section 55 of the said Act is repealed and the following substituted therefor:

Licence
to operate
projector

(1) No person shall operate a projector designed for the use of film other than 35 millimetre cinematographic film for hire or gain without a licence therefor from the Director.

s. 58,
re-enacted

6. Section 58 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 82, is repealed and the following substituted therefor:

58.—(1) Every person who,

Offence

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) knowingly fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under ^{Corporations} subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

7. Paragraph 11 of subsection 1 of section 60 of the said Act is <sup>s. 60 (1),
par. 11,
re-enacted</sup> repealed and the following substituted therefor:

11. requiring any proportion of films available for distribution to exhibitors or of films exhibited in theatres or any class thereof to be of Canadian manufacture and origin and fixing such proportion on a monthly or yearly basis.

8. Subsection 1 of section 60 of the said Act, as amended by <sup>s. 60 (1),
amended</sup> the Statutes of Ontario, 1971, chapter 50, section 82, is further amended by adding thereto the following paragraph:

22a. prescribing the lengths or units in which film or any class of film shall be submitted to the Board for approval under section 36.

9. This Act comes into force on a day to be named by proclamation <sup>Commence-
ment</sup> of the Lieutenant Governor.

10. This Act may be cited as *The Theatres Amendment Act, 1975*. ^{Short title}

CHAPTER 61

An Act to amend The Public Health Act

Assented to July 8th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *r* of section 1 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:
- s. 1 (*a, r*),
re-enacted

(*a*) “communicable disease” means smallpox, diphtheria, typhoid fever, rabies, tuberculosis and any other disease designated by the regulations as a communicable disease;

.

(*r*) “pasteurization” means subjecting every particle of milk in such manner as is required by the regulations to a temperature and for a time prescribed by the regulations.

2. Section 6 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 80, section 1 and 1974, chapter 61, section 3, is further amended by adding thereto the following paragraphs:
- s. 6,
amended

26*a*. prescribing the temperatures and times for the pasteurization of milk;

times and
temperatures
for
pasteuri-
zation

.

32. designating diseases as communicable diseases;

communi-
cable
diseases

.

39*a*. requiring persons who operate or are employed in premises where food or drink for human consumption is manufactured, processed or handled to comply

food premises,
orders for
tests

with directions that may be issued by medical officers of health to undergo such medical or other tests as are necessary to ensure the sanitary handling of food and drink;

food premises,
samples

39*b*. authorizing medical officers of health or public health inspectors for the purposes of this Act or the regulations to examine and take samples of food or drink, to examine or require the examination of equipment and utensils, to take samples from equipment and utensils for laboratory examination, and to prescribe and test temperatures of food that is being processed, transported, stored, displayed or offered for sale;

exemptions
by medical
officers of
health

39*c*. authorizing medical officers of health to exempt persons, facilities or things from any provision of a regulation made under this section;

exemptions,
other

39*d*. exempting any person, premises or class of either of them from any provision of a regulation made under this section.

s. 13 (3),
amended

3. Subsection 3 of section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 61, section 4, is amended by inserting after "year" in the third line "or in a township situate within The Municipality of Metropolitan Toronto".

s. 35,
amended

4. Section 35 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 80, section 2, is further amended by adding thereto the following subsection:

Associate
medical
officer
of health,
temporary
powers

(4*a*) Where a vacancy occurs in the office of medical officer of health or the medical officer of health is ill or absent from the municipality and an acting medical officer of health is not appointed, an associate medical officer of health during the vacancy or the illness or absence of the medical officer of health has all the powers and may perform all the duties of the medical officer of health.

s. 40 (2),
amended

5. Subsection 2 of section 40 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 61, section 5, is amended by inserting after "health" in the first line "and every associate medical officer of health" and by inserting after "health" in the fourth line "or associate medical officer of health".

s. 44*a*,
enacted

6. The said Act is amended by adding thereto the following section:

44*a*. In this section and in sections 44*b* to 44*i*,

Interpre-
tation

- (*a*) “commercial microwave oven” means a microwave oven that is used other than in a private residence;
- (*b*) “Director” means a Director appointed by the Minister for the purposes of sections 44*a* to 44*i*;
- (*c*) “inspector” means an inspector appointed under section 2*a* for the purposes of sections 44*a* to 44*i* or an inspector employed by a local board;
- (*d*) “microwave oven” means any apparatus or device for heating food or material by absorption of electromagnetic radiation in the range of electromagnetic frequencies from 890 megahertz to 6,000 megahertz;
- (*e*) “regulations” means the regulations made under section 44*i*;
- (*f*) “repairer” means a person who repairs microwave ovens for payment or compensation.

7. The said Act is further amended by adding thereto the following section:

s. 44*b*,
enacted

44*b*. Every owner of a commercial microwave oven shall register ownership of the oven with the Director before using or causing or permitting the use of the oven.

Registration
of
ownership

8. The said Act is further amended by adding thereto the following section:

s. 44*c*,
enacted

44*c*.—(1) No person shall work as a repairer of microwave ovens unless he has successfully completed a program of instruction in the repair of microwave ovens approved by the Minister of Colleges and Universities.

Repairing
of microwave
ovens

(2) For the purposes of subsection 1, proof of the performance of one act as a repairer on one occasion is sufficient to establish working as a repairer.

Proof

(3) Subsection 1 does not apply to a person who works under the supervision of a person who has successfully completed a program referred to in subsection 1 and who is physically present.

Exception

(4) Every person to whom subsection 1 applies shall, while working as a repairer, carry with him evidence of

Production of
evidence of
qualification

successful completion of the program referred to in subsection 1 and shall produce it when required by an inspector.

ss. 44d-44g,
enacted

9. The said Act is further amended by adding thereto the following sections:

Powers of
inspector

44d.—(1) An inspector may make an oral or written order directed to the person who is the owner or who has the control or supervision of a commercial microwave oven requiring the person to do the things and take the steps within the time or times specified in the order that the inspector, upon reasonable and probable grounds, considers necessary or advisable for the purpose of protecting the health or the safety of any persons in or about the premises where the commercial microwave oven is situated or is intended to be situated.

Idem

(2) Where the power density of the radiation leakage from a commercial microwave oven does not exceed the prohibited power density of radiation leakage but exceeds the permissible power density of radiation leakage prescribed by the regulations and an inspector is of the opinion that it is not safe to use the commercial microwave oven, the inspector may make an order prohibiting the use of the commercial microwave oven until such time as it is repaired to reduce the power density of the radiation leakage below the permissible power density of radiation leakage prescribed by the regulations in respect of the oven.

Effect of
order

44e. Notwithstanding that an appeal is taken against an order of an inspector under section 44d, the order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, altered or rescinded on appeal and the person to whom the order is directed shall comply with the order immediately or within such period of time as may be specified in the order.

Hearings

44f.—(1) Subsections 1, 2, 4, 4a and 5 of section 87a, subsections 2 to 8 of section 87b and section 87c apply *mutatis mutandis* where an order is made under section 44d.

Parties

(2) The inspector, the person to whom the order is made and such other persons as the Health Facilities Appeal Board may specify are parties to the proceedings under subsection 1.

Prohibition

44g.—(1) No person shall use or cause or permit the use of a commercial microwave oven where the person knows that the power density of the radiation leakage from the

oven exceeds the prohibited power density prescribed by the regulations in respect of the oven.

(2) Where the Director has reasonable or probable grounds Authority of Director for belief that a person using a commercial microwave oven has suffered or is likely to suffer physical impairment or injury, he may arrange for the medical examination of the person and may require the owner of the commercial microwave oven to pay for the medical examination.

10. The said Act is further amended by adding thereto the following section: s. 44h, enacted

44h.—(1) Where a repairer is requested by the person Radiation level who is the owner of or who has the supervision or control of a microwave oven to examine or to repair the oven, the repairer shall measure the power density of the radiation leakage from the oven and where the power density measured exceeds the permissible power density of radiation leakage prescribed for the oven by the regulations, the repairer shall,

- (a) inform the person of the power density measured and of the prohibited and permissible power densities prescribed by the regulations in respect of the oven; and
- (b) where the owner or the person who has supervision or control of the oven refuses to have the oven repaired, give notice in writing forthwith to the Director in the form prescribed by the regulations.

(2) A repairer who repairs a microwave oven shall measure Certificate the power density of the radiation leakage from the oven after completion of the repair and shall provide the person who is the owner or the person who has the supervision or control of the oven with a certificate in the form prescribed by the regulations stating the power density measured and the prohibited and permissible power densities of radiation leakage prescribed by the regulations in respect of the oven.

11. The said Act is further amended by adding thereto the following section: s. 44i, enacted

44i. The Lieutenant Governor in Council may make Regulations regulations,

- (a) classifying microwave ovens or commercial microwave ovens or both;

- (b) prescribing the prohibited and permissible power densities of radiation leakage for microwave ovens, commercial microwave ovens or any class or classes of either of them for the purposes of sections 44*a* to 44*i*;
- (c) prescribing the form and contents of warning or information devices or stickers and requiring their use on or in association with microwave ovens or commercial microwave ovens or any class of either of them; and
- (d) prescribing forms for the purposes of sections 44*a* to 44*i* and providing for their use.

s. 70 (4), repealed	12. Subsection 4 of section 70 of the said Act is repealed.
s. 101 (2), amended	13. Subsection 2 of section 101 of the said Act is amended by striking out “and” in the third line and inserting in lieu thereof “or”.
Commence- ment	14. —(1) This Act, except section 3, comes into force on a day to be named by proclamation of the Lieutenant Governor.
Idem	(2) Section 3 shall be deemed to have come into force on the 3rd day of July, 1974.
Short title	15. This Act may be cited as <i>The Public Health Amendment Act, 1975</i> .

CHAPTER 62

**An Act to repeal
The Health Insurance Registration Board Act**

Assented to July 8th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Health Insurance Registration Board Act*, being ^{Act repealed} chapter 199 of the Revised Statutes of Ontario, 1970, is repealed.
- 2.** This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
- 3.** This Act may be cited as *The Health Insurance* ^{Short title} *Registration Board Repeal Act, 1975*.

CHAPTER 63

An Act to amend
The Health Disciplines Act, 1974

Assented to July 8th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Health Disciplines Act, 1974*, being chapter 47, is amended by adding thereto the following subsection:

(3) The Council may give the Dentistry Review Committee established under *The Health Insurance Act, 1972*, such other duties as the Council considers appropriate and that are not inconsistent with its duties under that Act.

Dentistry Review Committee
1972, c. 91
2. Subsection 2 of section 43 of the said Act is repealed and the following substituted therefor:

(2) Subject to the provisions of Parts III and V, any person not licensed under this Part who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is qualified or recognized by law or otherwise as a dentist, dental surgeon, oral surgeon, orthodontist, pedodontist, periodontist, oral pathologist, endodontist or any other designated specialties in the practice of dentistry, or who assumes, uses or employs the description or the title “dentist”, “doctor” or “dental surgeon”, or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of human ailments or physical defects or advertises or holds himself out as such is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.

Idem,
use of
titles
3. Subsection 2 of section 67 of the said Act is repealed and the following substituted therefor:

(2) Subject to the provisions of Parts II and V, any person not licensed under this Part who takes or uses any

Idem,
use of
titles
- s. 29,
amended

s. 43 (2),
re-enacted

s. 67 (2),
re-enacted

name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is recognized by law or otherwise as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the description or title "doctor", "surgeon" or "physician" or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of human ailments or physical defects, or advertises or holds himself out as such, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.

s. 87 (b),
amended

4. Clause *b* of section 87 of the said Act is amended by inserting after "College" in the first line "within thirty days".

s. 100,
amended

5. Section 100 of the said Act is amended by adding thereto the following subsection:

Optometry
Review
Committee
1972, c. 91

(3) The Council may give the Optometry Review Committee established under *The Health Insurance Act, 1972*, such other duties as the Council considers appropriate and that are not inconsistent with its duties under that Act.

s. 114 (2),
re-enacted

6. Subsection 2 of section 114 of the said Act is repealed and the following substituted therefor:

Idem,
use of
titles

(2) Subject to the provisions of Parts II and III, any person not licensed under this Part who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is recognized by law or otherwise as an optometrist or who assumes or employs the title or description "doctor" or "optometrist" or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of human ailments or physical defects or advertises or holds himself out as such is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.

Commence-
ment

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. This Act may be cited as *The Health Disciplines Amendment Act, 1975*.

CHAPTER 64

An Act to amend The Highway Traffic Act

Assented to July 8th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1*b* of section 120 of *The Highway Traffic Act*, ^{s. 120 (1*b*), re-enacted} being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 123, section 29, is repealed and the following substituted therefor:

(1*b*) No motor vehicle, other than a school bus, shall bear ^{Prohibition} the words “do not pass when signals flashing” or the words “school bus”.

- (2) The said section 120, as amended by the Statutes of ^{s. 120, amended} Ontario, 1974, chapter 123, section 29, is further amended by adding thereto the following subsection:

(1*c*) For the purposes of subsection 1*a*, a motor vehicle ^{Interpre-} shall be deemed to be a bus if it is or has in the past been ^{ta-} operated under the authority of a permit issued pursuant to section 6 for which a bus fee was paid.

- (3) Subsections 3 and 4 of the said section 120, as re-enacted ^{s. 120 (3, 4), re-enacted} by the Statutes of Ontario, 1974, chapter 123, section 29, are repealed and the following substituted therefor:

(3) Subject to subsection 3*a*, the driver of a school bus on ^{Duty of} a highway, when he is about to stop the school bus for the ^{driver} purpose of receiving or discharging school children, except at ^{of school} a stopping place where a signal-light traffic control system ^{bus as to} is in operation, shall actuate the red signal-lights ^{signal-} on the school bus and shall continue them in operation while ^{lights} stopped for such purpose and, in the case of a highway that does not have a median strip, until those children who of necessity must cross the highway have completed the crossing.

School
bus
loading
zones

(3a) The council of a municipality in relation to highways under its jurisdiction may by by-law designate school bus loading zones, in accordance with the regulations, to which subsection 3 does not apply.

Signing

(3b) No by-law passed under subsection 3a becomes effective until the highways or portions thereof affected are marked to comply with this Act and the regulations.

Actuating
red
signal-
lights

(4) The driver of a school bus on a highway shall not actuate the red signal-lights on the school bus under any circumstances other than those set out in subsection 3.

School bus
stopping at
designated
loading
zones

(4a) The driver of a school bus on a highway shall not stop the school bus for the purpose of receiving or discharging school children on a highway,

(a) opposite a designated school bus loading zone; or

(b) at a designated school bus loading zone, except as closely as practicable to the right curb or edge of the roadway.

s. 120 (6),
amended

(4) Subsection 6 of the said section 120, as amended by the Statutes of Ontario, 1974, chapter 123, section 29, is further amended by adding thereto the following clause:

(f) respecting the designation of school bus loading zones, the location thereof, the erection of signs and the placing of markings on highways.

Commence-
ment

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (No. 3)*.

CHAPTER 65

An Act to amend The Public Lands Act*Assented to July 8th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 51, re-enacted

51. Except as otherwise provided in this Act, any person may exercise a public right of passage on a road other than a private forest road. Public right of passage

2. Subsection 2 of section 56 of the said Act is repealed and the following substituted therefor: s. 56 (2), re-enacted

(2) The Minister may enter into an agreement with a person who occupies a private forest road under the authority of a document issued under this Act or the regulations for opening the private forest road or part thereof to travel by the public generally or by any class or classes of the public as may be agreed upon, and thereupon the private forest road is open to travel by the public generally or by the class or classes of the public agreed upon for such time or times and upon such terms and conditions as are set forth in the agreement, provided that a permit has been issued or validated under *The Highway Traffic Act* or the regulations made thereunder for any vehicle used in such travel. Agreements R.S.O. 1970, c. 202

3. The letters patent dated the 18th day of August, 1911 granting part of the east half of Lot number 5 in Concession II in the Township of Garson in the Territorial District of Sudbury, containing two acres, be the same more or less and more particularly described therein, to The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada are amended by striking out the habendum, Letters patent amended

which reads: “To have and to hold unto the said The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada for Church purposes”.

- Commence-
ment
4. This Act comes into force on the day it receives Royal Assent.
- Short title
5. This Act may be cited as *The Public Lands Amendment Act, 1975*.

CHAPTER 66

**An Act to provide for an interim Freeze
in the Price of certain Petroleum Products***Assented to July 8th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “inspector” means a person designated by the Minister in writing as an inspector for the purposes of this Act;
- (b) “Minister” means the Minister of Consumer and Commercial Relations;
- (c) “petroleum product” means any liquid distilled or recovered from crude petroleum or any liquid containing a derivative from crude petroleum that is in a form appropriate as a fuel for heating or as a fuel for internal combustion engines and includes propane;
- (d) “price” means the total amount paid by the purchaser in the purchase of a petroleum product, except any component of such price that is referable to a duty or tax on the petroleum product imposed, levied and collected by or under any law of the Parliament of Canada;
- (e) “regulations” means the regulations made under this Act;
- (f) “seller” means a person who sells or offers for sale in Ontario a petroleum product for resale, exchange, consumption or other disposition in Ontario.

2.—(1) Subject to subsection 2 and the regulations, on and after the 4th day of July, 1975, no person shall sell or offer for sale in Ontario a petroleum product for resale,

Petroleum
products
price
freeze

exchange, consumption or other disposition in Ontario at a price greater than,

- (a) the price being charged by such person in Ontario for the same grade of petroleum product at the commencement of business on the 23rd day of June, 1975; or
- (b) where no price was charged by such person in Ontario for the petroleum product or any particular grade of the petroleum product, as referred to in clause *a*, at such price as is prescribed by the Lieutenant Governor in Council.

Extension
by order
in council

(2) Subsection 1 ceases to apply on the expiration of the 30th day of September, 1975 but the Lieutenant Governor in Council may, if the Assembly is recessed or not in session on that date, make an order extending such date to a time not later than the 30th day of November, 1975.

Information

3. The Minister may require any seller of a petroleum product to provide him with such information as the Minister requests concerning his sales of the petroleum product and the prices, taxes and duties being paid and charged therefor.

Inspection

4.—(1) An inspector may at any reasonable time enter upon the premises of a seller to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Powers on
inspection

(2) Upon an inspection under this section, the inspector,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, and such copying shall be carried out with reasonable dispatch and the material in question shall be promptly thereafter returned to the person being inspected,

and no person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

(3) Any copy made as provided in subsection 2 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. Admissibility
of copies

5. The Lieutenant Governor in Council may make regulations, Regulations

- (a) requiring sellers of petroleum products to the public to post signs or notices in such places and containing such information as is prescribed;
- (b) prescribing the conditions under which a price greater than the price determined under section 2 may be charged by a seller for a petroleum product;
- (c) requiring a seller of a petroleum product for resale or exchange to give the purchaser thereof such information as is prescribed respecting the tax components of the total amount paid by the purchaser.

6.—(1) Every person who,

Offences

- (a) knowingly furnishes false information in any statement or return required to be furnished under this Act;
- (b) contravenes any provision of this Act or the regulations; or
- (c) refuses to comply with a request of the Minister under section 3,

and every director or officer of a corporation who knowingly concurs in such furnishing, contravention or refusal is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

7. This Act shall be deemed to have come into force on the 4th day of July, 1975. Commence-
ment

8. This Act may be cited as *The Petroleum Products Price Freeze Act, 1975*. Short title

CHAPTER 67

An Act to amend The Pounds Act

Assented to July 8th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Pounds Act*, being chapter 353 of the Revised Statutes of Ontario, 1970, is repealed.

s. 3,
repealed
2. Sections 4 and 5 of the said Act are repealed and the following substituted therefor:

ss. 4, 5,
re-enacted
4. No cattle, goat, horse, sheep or swine shall be allowed to run at large in any part of a provisional judicial district not included in an organized municipality.

Animals
not to run
at large
5. The owner of any cattle, goat, horse, sheep or swine running at large contrary to section 4 is liable in damages for all injuries committed by such animal or animals, and also is guilty of an offence and on summary conviction is liable to a fine of not more than \$300.

Owner of
animal
liable for
damages and
fine
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. This Act may be cited as *The Pounds Amendment Act, 1975*.

Short title

CHAPTER 68

**An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973**

Assented to July 8th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding thereto the following clause:

(aa) “development” includes a change in the use of any land, building or structure.
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1975*. Short title

CHAPTER 69

The Environmental Assessment Act, 1975*Assented to July 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INTERPRETATION AND APPLICATION

1. In this Act,Interpre-
tation

- (a) “air” includes enclosed air;
- (b) “Board” means the Environmental Assessment Board established under Part III;
- (c) “environment” means,
 - (i) air, land or water,
 - (ii) plant and animal life, including man,
 - (iii) the social, economic and cultural conditions that influence the life of man or a community,
 - (iv) any building, structure, machine or other device or thing made by man,
 - (v) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from the activities of man, or
 - (vi) any part or combination of the foregoing and the interrelationships between any two or more of them,

in or of Ontario;

- (d) “environmental assessment”, when used in relation to an undertaking, means an environmental assessment submitted pursuant to subsection 1 of section 5;
- (e) “land” includes enclosed land, land covered by water and subsoil;
- (f) “Minister” means the Minister of the Environment;
- (g) “Ministry” means the Ministry of the Environment;
- (h) “municipality” means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district and includes a local board as defined in *The Municipal Affairs Act* and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;
- (i) “person” includes a municipality, Her Majesty in right of Ontario, a Crown agency within the meaning of *The Crown Agency Act*, a public body, a partnership, an unincorporated joint venture and an unincorporated association;
- (j) “proceed” includes “carry on”;
- (k) “proponent” means a person who,
 - (i) carries out or proposes to carry out an undertaking, or
 - (ii) is the owner or person having charge, management or control of an undertaking;
- (l) “provincial officer” means a person designated by the Minister as a provincial officer under Part IV;
- (m) “public body” means a body other than a municipality that is defined as a public body by the regulations;
- (n) “regulations” means the regulations made under this Act;
- (o) “undertaking” means,

R.S.O. 1970,
c. 118

R.S.O. 1970,
c. 100

- (i) an enterprise or activity or a proposal, plan or program in respect of an enterprise or activity by or on behalf of Her Majesty in right of Ontario, by a public body or public bodies or by a municipality or municipalities, or
- (ii) a major commercial or business enterprise or activity or a proposal, plan or program in respect of a major commercial or business enterprise or activity of a person or persons other than a person or persons referred to in subclause i that is designated by the regulations;

(p) “water” means surface water and ground water, or either of them.

2. The purpose of this Act is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment. Purpose of Act

3. This Act applies to,

Application of Act

- (a) enterprises or activities or proposals, plans or programs in respect of enterprises or activities by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities on and after the day this Act comes into force;
- (b) only on and after a day to be named in a proclamation of the Lieutenant Governor, major commercial or business enterprises or activities or proposals, plans or programs in respect of major commercial or business enterprises or activities of a person or persons, other than a person referred to in clause a, designated by the regulations.

4. This Act binds the Crown.

The Crown

PART II

ACCEPTANCE, AMENDMENT, APPROVAL

Submission
of environ-
mental
assessment

5.—(1) The proponent of an undertaking to which this Act applies shall submit to the Minister an environmental assessment of the undertaking and shall not proceed with the undertaking until,

- (a) the environmental assessment has been accepted by the Minister; and
- (b) the Minister has given his approval to proceed with the undertaking.

Exception

(2) Subsection 1 does not prohibit a feasibility study, including research, or any action necessary to comply with this Act before the approval of the Minister is given to proceed with an undertaking.

Content
of environ-
mental
assessment

(3) An environmental assessment submitted to the Minister pursuant to subsection 1 shall consist of,

- (a) a description of the purpose of the undertaking;
- (b) a description of and a statement of the rationale for,
 - (i) the undertaking,
 - (ii) the alternative methods of carrying out the undertaking, and
 - (iii) the alternatives to the undertaking;
- (c) a description of,
 - (i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
 - (ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, and
 - (iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment,

by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking; and

- (d) an evaluation of the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking.

6.—(1) Where a proponent is required under this Act to submit to the Minister an environmental assessment of an undertaking, Where licences, etc., not to be issued

- (a) a licence, permit, approval, permission or consent that is required under any statute, regulation, by-law or other requirement of the Province of Ontario, an agency thereof, a municipality or a regulatory authority, in order to proceed with the undertaking shall not be issued or granted; and
- (b) if it is intended that the Province of Ontario or any agency thereof will provide a loan, a guarantee of repayment of a loan, a grant or a subsidy with respect to the undertaking, the loan, guarantee, grant or subsidy shall not be approved, made or given,

unless,

- (c) the environmental assessment has been submitted to and accepted by the Minister; and
- (d) the Minister has given approval to proceed with the undertaking.

(2) Subsection 1 does not apply to,

Exception

- (a) a licence, permit, approval, permission or consent;
- (b) a loan, guarantee, grant or subsidy,

in relation to a feasibility study, including research, or for any action necessary to comply with this Act before the approval of the Minister is given to proceed with the undertaking.

7.—(1) Where an environmental assessment of an undertaking is submitted by a proponent to the Minister, the Minister, Preparation of review and notice

- (a) shall cause a review of the assessment to be prepared; and

(b) shall give notice of,

- (i) the receipt of the assessment,
- (ii) the completion of the preparation of the review,
- (iii) the place or places where the assessment and review may be inspected, and
- (iv) such other matters as the Minister considers necessary or advisable,

to the proponent, the clerk of each municipality in which the undertaking is being or will be carried out and, in such manner as the Minister considers suitable, to the public and to such other persons as the Minister considers necessary or advisable.

Inspection
of environ-
mental
assessment

(2) Any person may inspect an environmental assessment of an undertaking and the review thereof in accordance with the terms of the notice referred to in subsection 1 and may, within thirty days of the giving of the notice or within such longer period as may be stated in the notice,

- (a) make written submissions to the Minister with respect to the undertaking, the environmental assessment and the review thereof; and
- (b) by written notice to the Minister, require a hearing by the Board with respect to the undertaking, the environmental assessment and the review thereof.

Withdrawal
of environ-
mental
assessment

(3) A proponent may withdraw or amend an environmental assessment at any time prior to the day on which notice is given under subsection 1 and thereafter may withdraw or amend an environmental assessment subject to such terms and conditions as the Minister may by order impose.

Matters
to be
considered
by the
Minister

8. The Minister, in determining whether to accept or to amend and accept an environmental assessment shall consider the purpose of this Act, the environmental assessment submitted to him, the review thereof, the written submissions, if any, made with respect thereto, any reports required by and submitted to him, and any further review that the Minister has caused to be prepared.

Notice of
acceptance
of environ-
mental
assessment

9. Where a hearing is not required,

- (a) pursuant to clause a of subsection 2 of section 12; or

- (b) pursuant to clause *b* of subsection 2 of section 12 after receipt of a notice pursuant to clause *b* of subsection 2 of section 7,

and the Minister, after considering the matters set out in section 8, is of the opinion that the environmental assessment is satisfactory to enable a decision to be made as to whether approval to proceed with the undertaking with respect to which the environmental assessment is submitted should or should not be given or should be given subject to terms and conditions, the Minister shall accept the assessment and give notice thereof to the proponent and in such manner as the Minister considers suitable, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7.

10.—(1) Where a hearing is not required,

Notice of
proposal
to amend
environ-
mental
assessment

- (a) pursuant to clause *a* of subsection 2 of section 12; or
- (b) pursuant to clause *b* of subsection 2 of section 12 after receipt of a notice pursuant to clause *b* of subsection 2 of section 7,

and the Minister, after considering the matters set out in section 8, is of the opinion that the environmental assessment does not comply with this Act or the regulations, is inconclusive or is otherwise unsatisfactory to enable a decision to be made as to whether approval to proceed with the undertaking with respect to which the environmental assessment is submitted should or should not be given or should be given subject to terms and conditions, the Minister shall give notice to the proponent and in such manner as the Minister considers suitable, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7 that the Minister proposes to amend the environmental assessment, together with written reasons therefor including particulars of the amendments that the Minister proposes to make to the environmental assessment and, after considering any further written submissions of the proponent and of any such person, the Minister, where a hearing is not required pursuant to clause *a* of subsection 2 of section 12 or to clause *b* of subsection 2 of section 12 after receipt of a notice pursuant to subsection 1 of section 12, shall accept or amend and accept the environmental assessment.

- (2) The Minister shall give notice of the acceptance or the amendment and acceptance of the environmental assessment pursuant to subsection 1 to the proponent, and in such

Notice of
amendment
and
acceptance
of environ-
mental
assessment

manner as the Minister considers suitable, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7, and where the assessment is amended a copy of the assessment as amended and accepted together with written reasons therefor, to the proponent.

Minister
may order
research,
etc., and
reports

11.—(1) Where, before accepting an environmental assessment, the Minister is of the opinion that the environmental assessment as submitted does not comply with this Act or the regulations, is inconclusive or is otherwise unsatisfactory to enable a decision to be made as to whether approval to proceed with the undertaking with respect to which the environmental assessment is submitted should or should not be given or should be given subject to terms and conditions, the Minister shall give notice to the proponent that he proposes, by order, to require the proponent to carry out such research, investigations, studies and monitoring programs related to the undertaking in respect of which the environmental assessment is submitted as are mentioned in the notice, together with written reasons therefor.

Written
submissions

(2) The Minister, after considering any written submissions of the proponent made within fifteen days of the giving of the notice or within such longer period as may be stated in the notice, may by order require the proponent to carry out such research, investigations, studies and monitoring programs related to the undertaking in respect of which the environmental assessment is submitted and to submit such reports thereon as the Minister considers necessary.

Notice of
order

(3) The Minister shall, in such manner as the Minister considers suitable, give notice of the order to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7.

Reports to
be incor-
porated in
environ-
mental
assessment

(4) Upon submission of the reports to the Minister they shall be incorporated as part of the environmental assessment and the review thereof that the Minister caused to be prepared may be revised accordingly.

Notice

12.—(1) A notice that the Minister proposes to amend an environmental assessment shall state that the proponent or any person who has made a written submission to the Minister pursuant to subsection 2 of section 7 may, by written notice delivered to the Minister within fifteen days after the giving of the notice of proposal to amend, require a hearing by the Board and the proponent or the person may so require such a hearing.

(2) The Minister, by notice in writing,

Hearing

- (a) may, where he considers it advisable; or
- (b) shall, upon receipt of a notice requiring a hearing pursuant to subsection 1 or pursuant to subsection 2 of section 7, unless in his absolute discretion he considers that the requirement is frivolous or vexatious or that a hearing is unnecessary or may cause undue delay,

require the Board to hold a hearing with respect to,

- (c) the acceptance or amendment and acceptance of the environmental assessment;
- (d) whether approval to proceed with the undertaking in respect of which the environmental assessment was submitted should or should not be given; and
- (e) whether the approval mentioned in clause *d* should be given subject to terms and conditions and, if so, the provisions of such terms and conditions.

(3) Upon receipt from the Minister of a notice pursuant ^{Idem} to subsection 2, section 13 or clause *c* of subsection 1 of section 24, the Board shall appoint a time for the hearing, shall give reasonable notice thereof to the proponent and to the Minister and in such manner as the Minister may direct, notice to the public, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7 and to such other persons as the Minister considers necessary or advisable, and such other notice as the Board considers proper, and shall hold the hearing and decide the matters referred to it in the notice of the Minister.

(4) The parties to any proceedings before the Board in ^{Parties} respect of the undertaking are,

- (a) the proponent;
- (b) any person, other than the Minister, who has required the hearing; and
- (c) such other persons as,
 - (i) the Board, in its opinion, specifies have an interest in the proceedings, and
 - (ii) the Board, having regard to the purpose of this Act, may specify.

Other
hearings

13. Where an environmental assessment has been accepted or amended and accepted, and no hearing has been held pursuant to section 12, the proponent or a person who has made a written submission pursuant to subsection 2 of section 7 may, by written notice delivered to the Minister within fifteen days after the giving of the notice mentioned in section 9 or the notice mentioned in subsection 2 of section 10, require a hearing by the Board with respect to,

- (a) whether approval to proceed with the undertaking in respect of which the environmental assessment was submitted should or should not be given; and
- (b) whether the approval mentioned in clause *a* should be given subject to terms and conditions and, if so, the provisions of such terms and conditions, and

the Minister, by notice in writing,

- (c) may, where he considers it advisable; or
- (d) shall, upon receipt of any such notice requiring a hearing, unless in his absolute discretion he considers that the requirement is frivolous or vexatious or that a hearing is unnecessary or may cause undue delay,

require the Board to hold a hearing.

Approval
to proceed

14.—(1) Where the Minister has accepted an environmental assessment of an undertaking, the Minister may, with the approval of the Lieutenant Governor in Council or of such Ministers of the Crown as the Lieutenant Governor in Council may designate,

- (a) give approval to proceed with the undertaking;
- (b) give approval to proceed with the undertaking subject to such terms and conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying,
 - (i) the methods and phasing of the carrying out of the undertaking,

- (ii) the works or actions to prevent, mitigate or remedy effects of the undertaking on the environment,
 - (iii) such research, investigations, studies and monitoring programs related to the undertaking, and reports thereof, as he considers necessary,
 - (iv) such changes in the undertaking as he considers necessary,
 - (v) that the proponent enter into one or more agreements related to the undertaking with any person with respect to such matters as the Minister considers necessary,
 - (vi) that the proponent comply with all or any of the provisions of the environmental assessment as accepted by the Minister that may be incorporated by reference in the approval,
 - (vii) the period of time during which the undertaking, or any part thereof, shall be commenced or carried out; or
- (c) refuse to give approval to proceed with the undertaking.

(2) In determining whether to give approval, give approval subject to terms and conditions or refuse to give approval to proceed with an undertaking in accordance with subsection 1, the Minister shall consider, Matters to be considered by the Minister

- (a) the purpose of this Act;
- (b) the environmental assessment of the undertaking as accepted by the Minister;
- (c) the submissions, if any, made to the Minister with respect to the environmental assessment.

(3) The Minister shall give notice, together with written reasons therefor, of his approval, approval subject to terms and conditions or refusal to give approval to proceed with the undertaking to the proponent, and in such manner as Notice of approval

the Minister considers suitable, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7 and to such other persons as the Minister considers necessary or advisable.

Proceedings
under other
Acts

1971, c. 86
R.S.O. 1970,
c. 332

15. An approval by the Minister pursuant to this Act to proceed with an undertaking does not preclude any proceeding in relation to a contravention of any provision of *The Environmental Protection Act, 1971*, *The Ontario Water Resources Act* or the regulations made under either of those Acts.

Effect of
approval

16.—(1) No person shall proceed with an undertaking contrary to any term or condition imposed by the Minister in giving approval to proceed with the undertaking.

Idem

(2) No person shall give, make, issue, interpret or apply any licence, permit, approval, permission, consent, loan, guarantee of repayment of a loan, grant or subsidy that is required in order to proceed with an undertaking contrary to any term or condition imposed by the Minister in giving approval to proceed with the undertaking.

Where
proponent
proposes
to change
undertaking

17. Where a proponent of an undertaking proposes to make a change in the undertaking,

- (a) before the Minister has given approval to proceed with the undertaking, that does not conform to the environmental assessment of the undertaking as accepted by the Minister; or
- (b) after the Minister has given approval to proceed with the undertaking, that does not conform to any term or condition imposed upon the approval to proceed with the undertaking,

this Act applies to the proposal to make the change in the undertaking as though the proposed change were itself an undertaking to which this Act applies.

PART III

ENVIRONMENTAL ASSESSMENT BOARD

Composition
of Board

18.—(1) A board to be known as the Environmental Assessment Board is established and shall be composed of not fewer than five persons who shall be appointed by the Lieutenant Governor in Council and shall not be employed in the public service of Ontario in the employ of any ministry.

(2) The Lieutenant Governor in Council shall designate a chairman and one or more vice-chairmen from among the members of the Board. Chairman and vice-chairman

(3) In the case of the absence or inability to act of the chairman or of there being a vacancy in the office of the chairman, a vice-chairman shall act as and have all the powers of the chairman and, in the absence of the chairman and vice-chairman or vice-chairmen from any meeting of the Board, the members of the Board present at the meeting shall appoint an acting chairman who shall act as and have all the powers of the chairman during the meeting. Acting chairman

(4) The members of the Board, other than the chairman, shall be appointed for a term of one, two or three years so that as nearly as possible one-third of the members, other than the chairman, shall retire each year. Term of members

(5) The chairman of the Board shall be appointed to hold office during pleasure. Term of chairman

(6) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member. Vacancies

(7) Three members of the Board constitute a quorum. Quorum

(8) Such employees as are necessary to carry out the duties of the Board shall be appointed under *The Public Service Act*. Employees
R.S.O. 1970,
c. 386

(9) The Board may appoint from time to time one or more persons having technical or special knowledge of any matter to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it. Expert assistance

(10) The members of the Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. Remuneration

(11) The powers of the Board shall be exercised by resolution and the Board may pass resolutions governing the calling of and the proceedings at meetings and specifying the powers and duties of employees of the Board and generally dealing with the carrying out of its function. Exercise of powers

(12) The Board may determine its own practice and procedure in relation to hearings and may, subject to section 28 of *The Statutory Powers Procedure Act, 1971* and Practice and procedure
1971, c. 47

the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable.

Conduct of
hearings by
less than
quorum

(13) The chairman may, in writing, authorize less than a quorum of the Board to conduct a hearing and the member or members conducting the hearing shall have all the powers of the Board for the purposes of the hearing.

Only
members at
hearing to
participate
in decision

(14) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Board may
appoint class
representative

(15) For the purpose of proceedings before the Board, the Board may appoint from among a class of parties to the proceedings having, in the opinion of the Board, a common interest, a person to represent that class in the proceedings, but any other member of the class for which such appointment was made may, with the consent of the Board, take part in the proceedings notwithstanding the appointment.

Minister
entitled to
take part in
proceedings

(16) The Minister is entitled, by counsel or otherwise, to take part in proceedings before the Board.

Giving of
decision

(17) The Board shall give a copy of its decision together with written reasons therefor to the Minister, to the parties, or where an appointment has been made pursuant to subsection 15, to the appointee on behalf of the class, and to such other persons as have made written submissions pursuant to subsection 2 of section 7 and to the clerk of each municipality in which the undertaking is being or will be carried out.

Decisions,
etc., of
Board not
subject to
review

(18) No decision of the Board is effective until it becomes final pursuant to section 24.

When
decision is
effective

(19) No decision, order, direction, resolution or ruling of the Board shall be questioned or reviewed in any court and no proceeding shall be taken in any court by way of injunction, declaratory judgment, *certiorari*, *mandamus*, prohibition, application for judicial review, *quo warranto*, or otherwise to question, review, prohibit or restrain the Board or any of its decisions, orders, directions, resolutions or rulings.

Application
of 1971, c. 47

(20) Except as otherwise provided in this Act, *The Statutory Powers Procedure Act, 1971* applies to the proceedings of the Board.

19. A hearing conducted by the Board or a member or members of the Board shall be open to the public except where the Board or the member or members of the Board conducting the hearing is or are of the opinion that matters may be disclosed at the hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, in which case, the Board or the member or members of the Board conducting the hearing may hold the hearing concerning any such matters *in camera*.

Hearings
to be
public,
exceptions

20. Any decision of the Board that becomes final pursuant to section 24 shall be deemed to be the decision of the Minister or of the Minister with the approval required by section 14.

Effect of
decision of
Board

21. No member, employee or appointee of the Board shall be required to give testimony in any proceeding with regard to information obtained by him in the discharge of his duties as a member, employee or appointee of the Board.

Testimony
by member,
employee or
appointee
of Board

22. Where the Environmental Hearing Board, established under *The Ontario Water Resources Act*, proposed to hold or commenced but did not complete a public hearing or did not report thereon under *The Ontario Water Resources Act* or *The Environmental Protection Act, 1971*, immediately before this section came into force, the hearing shall be held or continued or the report may be made by the Environmental Assessment Board or, where it is necessary or advisable in the opinion of the chairman of the Environmental Assessment Board, the Environmental Assessment Board may hold a fresh hearing and any action or notice taken or given by the Environmental Hearing Board shall be deemed to have been taken or given by the Environmental Assessment Board.

Hearings
under
R.S.O. 1970,
c. 332
1971, c. 86

23. For purposes relevant to the subject-matter of a hearing, the Board, its employees and appointees may enter and inspect any land or premises other than a dwelling at any reasonable time.

Inspection
of premises

24.—(1) Within twenty-eight days after receipt by the Minister of a decision of the Board on any matter referred to it by notice of the Minister pursuant to subsection 2 of section 12 or section 13 or made pursuant to clause c, or within such longer period as may be determined by the

Variation or
rescission of
decisions

Minister within such twenty-eight day period, the Minister, with the approval of the Lieutenant Governor in Council or such Ministers of the Crown as the Lieutenant Governor in Council may designate, may,

- (a) vary the whole or any part of the decision;
- (b) substitute for the decision of the Board, such decision as he considers appropriate; or
- (c) by notice to the Board require the Board to hold a new hearing of the whole or any part of the matter referred to the Board by the notice of the Minister and reconsider its decision.

Idem (2) Subject to subsection 3, a decision of the Board is final after the expiration of the period or periods mentioned in subsection 1 unless, pursuant to subsection 1, the decision is varied or a decision is substituted for the decision of the Board or a new hearing is required.

Idem (3) A decision of the Board that has been varied pursuant to clause *a* or a decision that has been substituted for the decision of the Board pursuant to clause *b* of subsection 1, is final.

Idem (4) The Minister shall give notice, together with written reasons therefor, of any variation, substitution or requirement of a new hearing pursuant to subsection 1, to every person entitled to receive a copy of the decision of the Board pursuant to subsection 17 of section 18.

PART IV

PROVINCIAL OFFICERS

Designation
of provincial
officers

25.—(1) The Minister may designate in writing one or more employees of the Ministry or other persons as provincial officers for the purposes of any section or Part of this Act or any regulation or section of any regulation made under this Act that is referred to in the designation and in a designation may limit the authority of a provincial officer in such manner as the Minister considers necessary or advisable.

Certificate of
designation

(2) The Minister shall issue to every provincial officer a certificate of his designation and every provincial officer, in the execution of his duties under this Act and the regulations, shall produce his certificate of designation upon request.

26.—(1) Where a provincial officer has reasonable grounds for believing that it is necessary, for the purpose of the administration of this Act and the regulations, he may, upon production of his certificate of designation, enter at any reasonable time any building, other than a dwelling, or any structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, as he considers necessary for such purpose, including examinations of books, records and documents and may make, take and remove or may require to be made, taken or removed samples, copies or extracts. Powers of provincial officer

(2) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, including a dwelling, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions mentioned in subsection 1 but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time. Order authorizing

27. No person shall hinder or obstruct a provincial officer in the lawful performance of his duties or knowingly furnish a provincial officer with false information or refuse to furnish him with information required for the purposes of this Act and the regulations. Obstruction of provincial officer

28.—(1) Every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matter to any person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no provincial officer shall be required to give testimony in any civil suit or proceeding with regard to Idem

information obtained by him in the course of any survey, examination, test or inquiry under this Act or the regulations.

PART V

ADMINISTRATION

Application
to
Divisional
Court

29. The Minister, in addition to any other remedy and to any penalty imposed by law, may apply to the Divisional Court for an order,

- (a) enjoining any act to proceed with an undertaking contrary to this Act; or
- (b) invalidating any licence, permit, approval, permission or consent issued or granted contrary to subsection 1 of section 6,

and the court may make the order on such terms and conditions as the court considers proper.

Exemption

30. Where the Minister is of the opinion that it is in the public interest, having regard to the purpose of this Act and weighing the same against the injury, damage or interference that might be caused to any person or property by the application of this Act to any undertaking, the Minister, with the approval of the Lieutenant Governor in Council or of such Ministers of the Crown as the Lieutenant Governor in Council may designate, may by order,

- (a) exempt the undertaking or the proponent of the undertaking from the application of this Act or the regulations or any matter or matters provided for in this Act or the regulations subject to such terms and conditions as the Minister may impose;
- (b) suspend or revoke an exemption referred to in clause *a*;
- (c) alter or revoke any term or condition of an exemption referred to in clause *a*.

Disclosure

31. Notwithstanding any other provision of this Act, where the Minister is of the opinion that compliance with any provision of this Act is causing, will cause or will likely cause the disclosure of matters that are of such a nature that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of disclosing such matters to the public, the Minister may make such order for the protection of such person or the public interest as he considers necessary or advisable.

32.—(1) The Minister shall cause to be maintained a ^{Record} record of every undertaking in respect of which an environmental assessment has been submitted under this Act that, subject to any order of the Minister pursuant to section 31, shall consist of the environmental assessment, the review of the environmental assessment that the Minister caused to be prepared, any written submissions, any decision of the Board or the Minister together with written reasons therefor, if any, made under this Act, any notice under section 9, subsection 2 of section 10, subsection 3 of section 14, subsection 4 of section 24 and section 39 and any order of the Minister pursuant to this Act together with the written reasons, if any, therefor.

(2) The Minister shall, upon the request of any person, ^{Inspection} make available for the inspection of such person any record referred to in subsection 1 including any document forming part of the record as soon as practicable after issuance or receipt of the document.

33. The Minister, for the purposes of the administration ^{Powers and duties of Minister} and enforcement of this Act and the regulations may,

- (a) conduct research with respect to the environment or environmental assessments;
- (b) conduct studies of the quality of the environment;
- (c) conduct studies of environmental planning or environmental assessments designed to lead to the wise use of the environment by man;
- (d) convene conferences and conduct seminars and educational and training programs with respect to the environment or environmental assessments;
- (e) gather, publish and disseminate information with respect to the environment or environmental assessments;
- (f) make grants and loans for research or the training of persons with respect to the environment or environmental assessments in such amounts and upon such terms and conditions as the Minister, subject to the approval of the Lieutenant Governor in Council, may determine;
- (g) appoint committees to perform such advisory functions as the Minister considers advisable;
- (h) make such investigations, surveys, examinations, tests and other arrangements as he considers necessary; and

- (i) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person with respect to the environment or environmental assessments.

Protection
from
personal
liability

34.—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise lies or shall be instituted against an employee of the Ministry, a member of the Board or a Crown employee within the meaning of *The Public Service Act* who is a provincial officer or is acting under the direction of an employee of the Ministry, or such member or provincial officer, for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority.

R.S.O. 1970,
c. 386

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Hearings
under
other
Acts

35. Where a proponent is required under this Act not to proceed with an undertaking until an environmental assessment of the undertaking has been accepted by the Minister and a public hearing is required or permitted under *The Environmental Protection Act, 1971* or *The Ontario Water Resources Act* other than by the Environmental Appeal Board or the Ontario Municipal Board with respect to the undertaking, the Minister shall order,

1971, c. 86
R.S.O. 1970,
c. 332

- (a) that the public hearing under such other Act may be proceeded with and that this Act or the regulations or any matter or matters provided for in this Act or the regulations that is specified in the order does not apply to the undertaking or proponent; or
- (b) that this Act applies to the undertaking and proponent and the public hearing under such other Act shall be deemed not to be required or permitted.

False
information

36. No person shall knowingly give false information in any application, return or statement made to the Minister, the Board, an employee or appointee of the

Board, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations.

37. In any prosecution, proceeding or hearing under this Act or the regulations, the production of, Certificates,
etc., as
evidence

- (a) a certificate or report of an analyst in the employ of the Crown in right of Ontario designated by the Minister as to the analysis, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas or any combination of them; or
- (b) any document under this Act purporting to be signed by the Minister or by or for the Board, or any certified copy thereof,

is *prima facie* evidence of the facts stated therein and of the authority of the person making the document without any proof of appointment or signature.

38.—(1) Any notice, order, approval or other document under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is to be made at the latest address appearing on the records of the Ministry. Service

(2) A notice,

Notice to
clerk of
municipality

- (a) given by the Minister pursuant to section 9, section 10 or subsection 3 of section 14;
- (b) given by the Board pursuant to subsection 3 of section 12; or
- (c) of the order of the Minister pursuant to section 11,

shall be given to the clerk of each municipality in which the undertaking is being or will be carried out.

(3) Where notice is given or service is made by registered mail, the giving or service shall be deemed to be made on the seventh day after the day of mailing unless the person to whom notice is given or on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice, order, approval or other document until a later date. Idem

Public
notice

(4) Where the Minister or the Board is of the opinion that because the persons who are to be given any notice or document under this Act are so numerous, or for any other reason it is impracticable to give the notice or document to all or any of the persons individually, the Minister or the Board, as the case may be, may instead of doing so, cause the notice or reasonable notice of the contents of the document to be given to the persons by public advertisement or otherwise as the Minister or the Board may direct, and the date on which such notice or reasonable notice of the contents of the document is first published or otherwise given as directed, shall be deemed to be the date on which the notice or document is given.

Inspection of
documents

(5) The making available by the Minister of a copy or reproduction made by any means of a document is compliance with the provisions of this Act authorizing the inspection of the document.

Destruction
of certain
documents

(6) Notwithstanding any provision of this Act, a document may be destroyed by or under the authority of the Minister when it has been completely recorded or copied and the recording or copy is retained for the purpose of inspection under this section.

Where
notice
to be
given to
Minister

39. Where a proponent of an undertaking in respect of which an environmental assessment has been accepted by the Minister and for which approval to proceed has been given by the Minister receives notice of any fact, situation, event, order, proceeding or application the result of which or compliance with which has affected, affects or may affect the ability of the proponent to proceed with the undertaking in accordance with any term or condition to which the approval of the Minister to proceed with the undertaking is subject, the proponent shall forthwith give notice thereof to the Minister.

Offence

40. Every person, whether as principal or agent, or an employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or a term or condition of an approval issued or given under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 and on a subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which the offence occurs or continues.

PART VI

REGULATIONS

41. The Lieutenant Governor in Council may make regu- Regulations
lations,

- (a) defining any enterprise or activity as a major commercial or business enterprise or activity;
- (b) defining enterprises or activities as classes of major commercial or business enterprises or activities;
- (c) defining any body other than a municipality as a public body;
- (d) designating any major commercial or business enterprise or activity or class of major commercial or business enterprises or activities as an undertaking or class of undertakings to which this Act applies;
- (e) designating any proposal, plan or program or any class of proposals, plans or programs in respect of any major commercial or business enterprise or activity or any class of major commercial or business enterprises or activities as an undertaking or class of undertakings to which this Act applies;
- (f) exempting any person, class of persons, undertaking or class of undertakings from the provisions of this Act, the regulations or any section or part of a section thereof and designating any enterprise or activity or class of enterprises or activities or any proposal, plan or program or any class of proposals, plans or programs in respect of any of them by or on behalf of Her Majesty in right of Ontario, by a public body or public bodies or by a municipality or municipalities as an undertaking or class of undertakings to which this Act applies notwithstanding any exemption under this clause;
- (g) prescribing additional information that shall be contained in environmental assessments submitted to the Minister;
- (h) prescribing forms for the purposes of this Act and providing for their use.

42. A class of undertakings under this Act or the regu- Class of
lations may be defined with respect to any attribute, quality under-
takings

or characteristic or combination thereof and may be defined to include any number of undertakings under one ownership or more than one ownership and whether or not of the same type or with the same attributes, qualities or characteristics.

Scope of
regulations

43. Any regulation may be general or particular in its application, may be limited as to time or place or both and may exclude any place from the application of the regulation.

Adoption of
codes in
regulations

44. Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted.

Application
of
regulations

45.—(1) A regulation is not effective with respect to an enterprise or activity that is commenced before the regulation comes into force.

Idem

(2) Notwithstanding subsection 1, a regulation is effective with respect to,

- (a) any major commercial or business enterprise or activity that is commenced after the coming into force of this Act and that is being carried on or is not completed when the regulation comes into force;
- (b) a significant change made in any major commercial or business enterprise or activity after the coming into force of this Act and that is being carried on or is not completed before the regulation comes into force; or
- (c) any proposal, plan or program in respect of any major commercial or business enterprise or activity or any class of major commercial or business enterprises or activities proposed or made before the coming into force of the regulation whether the proposal, plan or program is proposed or made before or after the coming into force of this Act.

Idem

(3) Notwithstanding subsection 1, a regulation made under clause *f* of section 41 is effective whether the enterprise or activity, or class of enterprises or activities, or proposal, plan or program or class of proposals, plans or programs in respect of any of them is commenced, carried on, made or proposed before or after the coming into force of this Act.

PART VII

MISCELLANEOUS

46. This Act comes into force on a day to be named by ^{Commence-}proclamation of the Lieutenant Governor.
ment

47. This Act may be cited as *The Environmental Assess-* Short title
ment Act, 1975.

CHAPTER 70

**An Act to amend
The Environmental Protection Act, 1971**

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *da* of section 1 of *The Environmental Protection Act*, s. 1 (*da*), re-enacted 1971, being chapter 86, as enacted by the Statutes of Ontario, 1972, chapter 106, section 1, is repealed and the following substituted therefor:

(*da*) “Environmental Assessment Board” means the Environmental Assessment Board established under *The Environmental Assessment Act, 1975*.

1975, c. 69

2. The words “Hearing Board” where they occur in the said Act or the regulations are struck out and the words “Environmental Assessment Board” are substituted therefor.

Environ-
mental
Assessment
Board
substituted
for Hearing
Board

- 3.—(1) Subsection 3 of section 33*d* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 7, is repealed and the following substituted therefor:

s. 33*d* (3),
re-enacted

(3) Except where otherwise provided in this Act and notwithstanding the requirement that a hearing be a public hearing, the provisions of Part III of *The Environmental Assessment Act, 1975* apply where a hearing is required to be held under subsection 1 by the Environmental Assessment Board.

Procedure

1975, c. 69

- (2) The said section 33*d* is amended by adding thereto the following subsections:

s. 33*d*,
amended

(3*a*) Subsections 12 and 14 to 20 of section 18 and sections 20 and 24 of *The Environmental Assessment Act, 1975* do not apply where a hearing is required to be held under subsection 1 by the Environmental Assessment Board.

Application
of 1975, c. 69

(3*b*) Where a hearing is required to be held under subsection 1 by the Environmental Assessment Board,

Hearings

- (a) the Board shall determine its own practice and procedure in relation to hearings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable;
- (b) the member or members conducting a hearing shall prepare and submit to the Board a draft report of the Board referred to in clause *e* and, after notice of the purpose of the meeting has been given to all members of the Board, the Board shall consider the draft report at a meeting of the Board called for the purpose of preparing the report and the Board in preparing the report may,
 - (i) adopt the draft report;
 - (ii) adopt the draft report with such changes as the Board considers advisable, or
 - (iii) reject the draft report and take such other action for the purpose of preparing the report, including the holding of additional hearings, as the Board considers advisable;
- (c) a hearing by the Board is for the purpose of making a report containing information and advice and the report is not in any way legally binding in any decision or determination that may be made;
- (d) for the purposes of the exercise of any power or authority or the discharge of any duty by the Board or any member or members thereof conducting a hearing, the Board, or such member or members, has or have the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the exercise of such power or authority and the discharge of such duty as if it were an inquiry under that Act; and
- (e) the report of the Board shall contain a summary of the information presented and the views expressed at the hearing and its recommendations in respect of the subject-matter of the hearing, together with its reasons therefor.

1971, c. 49

s. 35 (3),
re-enacted

4.—(1) Subsection 3 of section 35 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 8, is repealed and the following substituted therefor:

(3) Except where otherwise provided in this Act and not- Procedure
withstanding the requirement that a hearing be a public
hearing, the provisions of Part III of *The Environmental* 1975, c. 69
Assessment Act, 1975 apply where a hearing is required to be
held under subsection 1 by the Environmental Assessment
Board.

(2) The said section 35 is amended by adding thereto the s. 35,
following subsection: amended

(3a) The provisions of subsections 3a and 3b of section Application
33d apply where a hearing is required to be held under of s. 33d (3a, 3b)
subsection 1 by the Environmental Assessment Board.

5. This Act comes into force on a day to be named by proclamation Commence-
of the Lieutenant Governor. ment

6. This Act may be cited as *The Environmental Protection Amend- Short title*
ment Act, 1975.

CHAPTER 71

**An Act to amend
The Ontario Water Resources Act**

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *ib* of section 1 of *The Ontario Water Resources Act*, ^{s. 1 (*ib*), repealed} being chapter 332 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

(*ib*) "Environmental Assessment Board" means the Environmental Assessment Board established under *The Environmental Assessment Act, 1975*. 1975, c. 69

2. The words "Hearing Board" where they occur in the said Act or in any regulation made under the said Act are struck out and the words "Environmental Assessment Board" are substituted therefor. Environmental Assessment Board substituted for Hearing Board

- 3.—(1) Subsections 1 to 9 of section 9a of the said Act, as ^{s. 9a (1-9), repealed} enacted by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed.

- (2) Subsection 12 of the said section 9a is repealed and the ^{s. 9a (12), re-enacted} following substituted therefor:

(12) Except where otherwise provided in this Act and notwithstanding the requirement that a hearing be a public hearing, the provisions of Part III of *The Environmental Assessment Act, 1975* apply where a hearing is required to be held under this Act by the Environmental Assessment Board. Procedure 1975, c. 69

- (3) The said section 9a is amended by adding thereto the ^{s. 9a, amended} following subsections:

(12a) Subsections 12 and 14 to 20 of section 18 and sections 20 and 24 of *The Environmental Assessment Act, 1975* do not apply where a hearing is required to be held under this Act by the Environmental Assessment Board. Application of 1975, c. 69

Hearings

(12b) Where a hearing is required to be held under this Act by the Environmental Assessment Board,

- (a) the Board shall determine its own practice and procedure in relation to hearings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable;
- (b) the member or members conducting a hearing shall prepare and submit to the Board a draft report of the Board referred to in clause *e* and, after notice of the purpose of the meeting has been given to all members of the Board, the Board shall consider the draft report at a meeting of the Board called for the purpose of preparing the report and the Board in preparing the report may,
 - (i) adopt the draft report,
 - (ii) adopt the draft report with such changes as the Board considers advisable, or
 - (iii) reject the draft report and take such other action for the purpose of preparing the report, including the holding of additional hearings, as the Board considers advisable;
- (c) a hearing by the Board is for the purpose of making a report containing information and advice and the report is not in any way legally binding in any decision or determination that may be made;
- (d) for the purposes of the exercise of any power or authority or the discharge of any duty by the Board or any member or members thereof conducting a hearing, the Board, or such member or members, has or have the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the exercise of such power or authority and the discharge of such duty as if it were an inquiry under that Act; and
- (e) the report of the Board shall contain a summary of the information presented and the views expressed at the hearing and its recommendations in respect of the subject-matter of the hearing, together with its reasons therefor.

- (4) Subsections 13 and 15 of the said section 9a are repealed. s. 9a (13, 15),
repealed
4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
5. This Act may be cited as *The Ontario Water Resources Amendment Act, 1975*. Short title

CHAPTER 72

**An Act respecting
the Negotiation of Collective Agreements
between School Boards and Teachers**

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

GENERAL

1. In this Act,Interpre-
tation

(a) "affiliate" means one of the following bodies:

1. L'Association des Enseignants Franco-Ontariens.
2. The Federation of Women Teachers' Associations of Ontario.
3. The Ontario English Catholic Teachers' Association.
4. The Ontario Public School Men Teachers' Federation.
5. The Ontario Secondary School Teachers' Federation;

(b) "agreement" means a written collective agreement made after the coming into force of and pursuant to this Act between a board and a branch affiliate or branch affiliates or between two or more boards and two or more branch affiliates covering matters negotiable under this Act;

(c) "board" means a board of education, public school board, secondary school board, Roman Catholic

separate school board or Protestant separate school board and includes a divisional board of education;

- (d) "branch affiliate" means an organization composed of all the teachers employed by a board who are members of the same affiliate;
- (e) "Commission" means the Education Relations Commission established under this Act;
- (f) "Council" means the Ontario School Trustees' Council;
- (g) "Federation" means the Ontario Teachers' Federation;
- (h) "lock-out" means the suspension of employment of, or the refusal to assign work to, teachers other than principals and vice-principals in a school or schools by a board with the view to compelling the cessation of a strike or preventing the resumption of a strike or with the view to inducing or persuading the branch affiliate that represents the teachers to enter into or renew an agreement;
- (i) "member association" means one of the following bodies:
 - 1. L'Association Francaise des Conseils Scolaires de l'Ontario.
 - 2. Northern Ontario Public and Secondary School Trustees' Association.
 - 3. Ontario Public School Trustees' Association.
 - 4. Ontario Separate School Trustees' Association;
- (j) "party" means a board or a branch affiliate;
- (k) "principal" means a principal as defined in *The Education Act, 1974*;
- (l) "strike" includes any action or activity by teachers in combination or in concert or in accordance with a common understanding that is designed to curtail, restrict, limit or interfere with the operation or functioning of a school program or school programs or of a school or schools including, without limiting the foregoing,

- (i) withdrawal of services,
 - (ii) work to rule,
 - (iii) the giving of notice to terminate contracts of employment;
- (m) “teacher” means a person,
- (i) who holds a valid certificate of qualification as a teacher in an elementary or secondary school in Ontario,
 - (ii) who holds a letter of standing granted by the Minister under *The Education Act, 1974*,^{1974, c. 109} or
 - (iii) in respect of whom the Minister has granted a letter of permission under *The Education Act, 1974*,

and who is employed by a board under a contract of employment as a teacher in the form of contract prescribed by the regulations under *The Education Act, 1974*, but does not include a supervisory officer as defined in *The Education Act, 1974*, an instructor in a teacher-training institution or a person employed to teach in a school for a period not exceeding one month;

- (n) “vice-principal” means a vice-principal within the meaning of the regulations under *The Education Act, 1974*;
- (o) “vote by secret ballot” means a vote by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed;
- (p) “written collective understanding” means a written collective understanding made before the coming into force of this Act between a board and teachers or the representative or representatives of teachers employed by the board in respect of any term or condition of employment.

2. The purpose of this Act is the furthering of harmonious relations between boards and teachers by providing for the making and renewing of agreements and by providing for the relations between boards and teachers in respect of agreements.

Purpose
of Act

Application
of Act

3.—(1) This Act applies to all collective negotiations between boards and teachers in respect of any term or condition of employment put forward by either party for the purpose of making or renewing an agreement.

Negotiations
to be in
accordance
with Act

(2) No such collective negotiations shall be carried on between a board and the teachers employed by the board except in accordance with this Act.

Joint
negotiations

4.—(1) In negotiations and procedures under this Act to make or renew an agreement or agreements, two or more boards may act jointly as a party and two or more branch affiliates may act jointly as a party, where both the boards and branch affiliates involved so agree, to make or renew an agreement between the boards and the branch affiliates or to make or renew a separate agreement between each of the boards and a branch affiliate that represents teachers employed by the board.

Idem

(2) A separate agreement between a board and a branch affiliate made pursuant to subsection 1 may include terms and conditions of employment in addition to and consistent with those terms and conditions which are part of the agreement between all the boards acting as a party and all the branch affiliates acting as a party.

Branch
affiliates
may
negotiate
as one party

(3) Notwithstanding subsection 1, two or more branch affiliates may act as one party in negotiations and procedures under this Act to make or renew an agreement or agreements with the same board.

Agreements
between
individual
boards and
branch
affiliates

(4) Where two or more boards act jointly as a party and two or more branch affiliates act jointly as a party pursuant to subsection 1, any negotiations and proceedings and resulting agreement pursuant to subsection 2 between one of the boards and a branch affiliate shall be deemed to be part of the joint negotiations and agreement in accordance with subsection 1.

Continuation
of agreement
to act jointly

(5) A board or branch affiliate that agrees to act jointly with another board or branch affiliate pursuant to subsection 1, shall continue to act jointly with such other board or branch affiliate until an agreement is made or renewed between the parties.

Repre-
sentation of
teachers
by branch
affiliate

5. A branch affiliate shall, in negotiations and procedures under this Act, represent all the teachers composing its membership.

Negotiating
group

6. In negotiations to make or renew an agreement, a party shall be represented by only one group of persons but may at any time increase, decrease or change the composition of the group.

7.—(1) Where collective negotiations for the renewal of a written collective understanding that expires on or after the 31st day of August, 1975 are being carried on between a board and the teachers employed by the board immediately before this Act comes into force, the board and the branch affiliate that is composed of and represents only teachers employed by the board shall continue the negotiations in good faith with the view to making an agreement in accordance with this Act and written notice of desire to negotiate with the view to making an agreement shall be deemed to have been given pursuant to this Act. Transitional provision

(2) Where a written collective understanding is in effect immediately before the coming into force of this Act, a branch affiliate may give written notice to a board or the board may give written notice to the branch affiliate, Giving of notice where written collective understanding in effect

(a) in the case of a written collective understanding that expires on the 31st day of August, within the month of January in the year in which the understanding expires; or

(b) in the case of a written collective understanding that expires on the 31st day of December, within the month of May in the year in which the understanding expires,

of its desire to negotiate with the view to making an agreement.

(3) Where a written collective understanding referred to in subsection 2 is expressed to expire in the year 1975 and negotiations are not being carried on immediately before the coming into force of this Act to renew the written collective understanding, a branch affiliate may give written notice to a board or the board may give written notice to the branch affiliate within thirty days after the coming into force of this Act of its desire to negotiate with the view to making an agreement. Idem

(4) Where the notice mentioned in subsection 3 is not given within the period of time provided therein, the written collective understanding mentioned in subsection 3 shall be deemed to be renewed and to continue in force for a further period of one year from the day on which it would have expired. Where notice not given

8. At any time during negotiations or procedures under this Act, Parties may obtain assistance

(a) a board that is a party may obtain assistance from the Council, a member association or another board;

- (b) a branch affiliate that is a party may obtain assistance from the Federation, an affiliate or another branch affiliate; and
- (c) a party may obtain assistance from one or more advisors, agents, counsel or solicitors.

PART II
NEGOTIATIONS

Subject-matter of negotiations

9. Negotiations shall be carried out in respect of any term or condition of employment put forward by either party.

Notice of desire to negotiate

10. Where there is no agreement in force between a board and a branch affiliate and no written collective understanding in force between the board and the branch affiliate or the teachers represented by the branch affiliate, the branch affiliate may give to the board or the board may give to the branch affiliate written notice of its desire to negotiate with the view to making an agreement.

Notice of desire to negotiate for renewal of agreement

11.—(1) Either party to an agreement may give written notice to the other party within the month of January in the year in which the agreement expires of its desire to negotiate with the view to the renewal, with or without modification, of the agreement then in operation.

Where notice not given of desire to negotiate renewal of agreement

(2) Where an agreement exists between a board or boards and a branch affiliate or branch affiliates and no party to the agreement gives notice in accordance with this Act of its desire to negotiate with the view to the renewal of the agreement, the agreement continues in operation and is renewed from year to year, with each yearly period expiring on the 31st day of August, until the year, if any, in which notice is given in accordance with this Act of desire to negotiate with the view to the renewal, with or without modification, of the agreement.

Working conditions may not be altered

(3) Where notice has been given of desire to negotiate to make or renew an agreement, the terms and conditions of the written collective understanding or agreement, other than a term or condition that prevents a strike, that was in force at the time of giving the notice shall not be altered until either,

- (a) an agreement or a new agreement comes into force or the agreement is renewed, as the case may be; or

- (b) subject to subsection 2 of section 28 and subsection 5 of section 69, sixty days have elapsed after the Commission has made public the report of the fact finder as provided in section 27,

whichever first occurs.

12.—(1) The parties shall meet within thirty days from the giving of the notice and they shall negotiate in good faith and make every reasonable effort to make an agreement or to renew the agreement, as the case requires.

Obligation
to negotiate

(2) Notwithstanding subsection 1, where a written collective understanding expires on or about the 31st day of December, 1975, and notice is given pursuant to subsection 3 of section 7, the parties shall meet on or before the 15th day of September, 1975 and they shall negotiate in good faith and make every reasonable effort to make an agreement.

Transitional
provision

13.—(1) The parties, at any time during negotiations to make or renew an agreement, may agree to,

Parties
may choose
procedures
to reach
agreement

- (a) request the Commission to assign a person to assist the parties to make or renew the agreement;
- (b) request the Commission to appoint a fact finder as provided in Part III; or
- (c) refer all matters remaining in dispute between them that may be provided for in an agreement to,
 - (i) an arbitrator or a board of arbitration for determination as provided in Part IV, or
 - (ii) a selector for determination as provided in Part V.

(2) Where the parties refer all matters remaining in dispute between them to an arbitrator or a board of arbitration or to a selector pursuant to clause c of subsection 1, no teacher who is a member of a branch affiliate that is a party shall engage in a strike against the board that is a party and the board shall not lock out or declare a state of lock-out to exist against members of the branch affiliate that is a party.

Effect of
choice of
procedure

14. The Commission may, in the exercise of its own discretion, at any time assign a person to assist the parties to make or renew an agreement.

Where
Commission
may assign
person
to assist
parties

PART III

FACT FINDING

Appointment
of fact
finder

15. The Commission shall appoint forthwith a person as a fact finder during negotiations to make or renew an agreement if the parties have not referred all matters remaining in dispute between them to an arbitrator or board of arbitration as provided in Part IV or a selector as provided in Part V and,

- (a) one or both of the parties gives notice to the Commission that an impasse has been reached in the negotiations and requests the appointment of a fact finder, and the Commission approves the request;
- (b) the Commission is of the opinion that an impasse has been reached in the negotiations; or
- (c) the written collective understanding that was in effect or the agreement that was in operation in respect of the parties expires during negotiations between the parties to make or renew an agreement, and fact finding has not taken place as provided in this Part.

Parties may
proceed
to make
agreement
or to
arbitration
or selection
procedure

16. The parties to negotiations to make or renew an agreement may, notwithstanding the appointment of a fact finder,

- (a) make or renew the agreement; or
- (b) agree to refer all matters remaining in dispute between them to,
 - (i) an arbitrator or a board of arbitration for determination as provided in Part IV, or
 - (ii) a selector for determination as provided in Part V,

and upon the giving of notice to the Commission by the parties that they have so acted, the appointment of the fact finder is terminated.

Persons
prohibited
as fact
finder

17. No person shall be appointed a fact finder who has a direct pecuniary interest in the matters coming before him or who is acting or has, within the period of six months immediately before the date of his appointment, acted as solicitor, counsel, negotiator, advisor or agent of either of the parties, but no person shall be deemed to have a direct pecuniary interest by reason only of being a ratepayer within the area of jurisdiction of the board that is a party.

18. Where a fact finder ceases to act by reason of withdrawal, death or otherwise before submitting his report to the Commission, the Commission shall appoint another person in his stead and such person shall commence the work of the fact finder *de novo*. Vacancy

19. Where the Commission appoints a fact finder, the Commission shall give written notice to each of the parties of the appointment of and the name and address of the fact finder. Notice of appointment of fact finder

20.—(1) Within seven days after the receipt of notice from the Commission of the appointment of the fact finder, each party shall give written notice to the fact finder and to the other party setting out all the matters that the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties. Notice of matters agreed upon and matters in dispute

(2) Where a party fails to comply with subsection 1, the fact finder may make a determination of the matters mentioned in subsection 1 and may then proceed pursuant to this Part. Where notice not given

21.—(1) It is the duty of a fact finder to confer with the parties and to inquire into, ascertain and make a report setting out the matters agreed upon by the parties for inclusion in an agreement and the matters remaining in dispute between the parties. Duty of fact finder

(2) A fact finder may, in his report, include his findings in respect of any matter that he considers relevant to the making of an agreement between the parties and recommend terms of settlement of the matters remaining in dispute between the parties. What report may contain

22. In inquiring into and ascertaining the matters remaining in dispute between the parties, the fact finder may inquire into and consider any matter that the fact finder considers relevant to the making of an agreement between the parties including, without limiting the foregoing, Matters that may be considered by fact finder

- (a) the conditions of employment in occupations outside the public teaching sector;
- (b) the effect of geographic or other local factors on the terms and conditions of employment;
- (c) the cost to the board of the proposal of either party;
- (d) the interests and welfare of the public.

Procedure of fact finder	<p>23. The fact finder shall determine his own procedure under guidelines established by the Commission and, where the fact finder requests information from a party, the party shall provide the fact finder with full and complete information.</p>
Submission of report of fact finder	<p>24. The fact finder shall submit his report to the Commission within thirty days after the date of his appointment or within such longer period of time as the Commission, with the agreement of the parties, may direct and the Commission shall forthwith give a copy of the report to each of the parties.</p>
Report not binding	<p>25. The report of the fact finder is not binding on the parties but is made for the advice and guidance of the parties and upon receipt of the report the parties shall endeavour, in good faith, to make an agreement or to renew the agreement, as the case may be.</p>
Assignment of assistance	<p>26.—(1) Where the Commission has given a copy of the report of the fact finder to each of the parties and the Commission is of the opinion that the parties will or are likely to benefit from assistance, the Commission may assign a person to assist the parties to make or renew, as the case may be, the agreement.</p>
Idem	<p>(2) Where the Commission has given a copy of the report of the fact finder to each of the parties and both of the parties request assistance from the Commission, the Commission shall assign a person to assist the parties to make or renew, as the case may be, the agreement.</p>
Where report confidential	<p>27.—(1) If the parties make or renew, as the case may be, an agreement within fifteen days after the Commission has given a copy of the report to each of the parties, the report shall not be made public by the Commission, either of the parties or by any person.</p>
Release of report	<p>(2) If the parties do not make an agreement, or renew the agreement, as the case may be, within the period of time specified in subsection 1, the Commission shall make public the report of the fact finder.</p>
Deferral of release	<p>(3) Notwithstanding subsections 1 and 2, where both parties agree and the Commission approves, the Commission may defer making public the report of the fact finder for an additional period of not more than five days.</p>
Parties may agree to refer matters in dispute	<p>28.—(1) If the parties do not make or renew, as the case may be, an agreement within fifteen days after the Commission has given a copy of the report of the fact finder to</p>

each of the parties, the parties may agree to refer all matters in dispute between them that may be provided for in an agreement to,

- (a) an arbitrator or a board of arbitration for determination as provided in Part IV; or
- (b) a selector for determination as provided in Part V.

(2) Where, pursuant to subsection 1, the parties refer all matters remaining in dispute between them that may be provided for in an agreement to an arbitrator or a board of arbitration or refer all such matters to a selector and either of the parties submits its final offer to the selector, Effect of choice of procedure

- (a) the terms of the written collective understanding or agreement, if any, in force between the parties at the time written notice is given or deemed to be given of desire to negotiate pursuant to section 7 or at the time of the giving of notice of desire to negotiate pursuant to subsection 1 or 2 of section 11, shall not be altered until an agreement is made or renewed between the parties; and
- (b) no teacher who is a member of a branch affiliate that is a party shall engage in a strike against the board that is a party and the board shall not lock out or declare a state of lock-out to exist against members of the branch affiliate that is a party.

PART IV

VOLUNTARY BINDING ARBITRATION

29.—(1) Where the parties agree to refer all matters remaining in dispute between them that may be provided for in an agreement to an arbitrator or a board of arbitration, the parties shall jointly give written notice to the Commission that they have so agreed and the notice shall state, Parties to give notice to Commission where arbitration agreed upon

- (a) that the parties agree to refer the matters to an arbitrator and,
 - (i) the date of appointment and the name and address of the arbitrator, or
 - (ii) that the parties have not appointed the arbitrator and that the parties request the Commission to appoint the arbitrator; or

(b) that the parties agree to refer the matters to a board of arbitration and,

(i) that the parties have each appointed a person as a member of the board of arbitration and shall set out the names and addresses of the two members so appointed, or

(ii) that both of the parties or one of them, as the case may be, has not appointed a person as a member of the board of arbitration and that the parties request the Commission to appoint the members or member, as the case may be, of the board,

and the notice shall state that the decision of the arbitrator or board of arbitration will be accepted by the parties as binding upon them.

Parties not
to withdraw

(2) Except as provided in section 57, a party shall not withdraw from arbitration proceedings under this Part after notice is given to the Commission in accordance with subsection 1.

Where
appoint-
ments
made by
Commission

(3) Where the parties, in the notice mentioned in subsection 1, request the Commission to appoint the arbitrator or the members or one of the members of the board of arbitration, the Commission shall make the appointment or appointments and shall forthwith thereafter give notice thereof to the parties setting out the name and address of the appointee or the names and addresses of the appointees, as the case may be, together with the date of the appointment or appointments.

Appoint-
ment of
chairman
by members

(4) Where the parties agree to refer all matters remaining in dispute between them to a board of arbitration, the two members of the board of arbitration shall, within ten days after the giving of notice of their appointment by the parties or by the Commission, as the case may be, appoint a third person to be chairman of the board of arbitration and the chairman shall forthwith give written notice to the Commission of his appointment.

Where
Commission
to appoint
chairman

(5) Where the two members of the board of arbitration are unable to appoint or to agree on the appointment of the chairman of the board of arbitration within the period of time set out in subsection 4, the Commission shall appoint the chairman and shall give notice of the appointment to the

two members and to the parties and the notice shall set out the name and address of the person appointed and the date of the appointment.

30. No person shall be appointed an arbitrator or member or chairman of a board of arbitration who has a direct pecuniary interest in the matters coming before him or who is acting or has, within the period of six months immediately before the date of his appointment, acted as solicitor, counsel, negotiator, advisor or agent of either of the parties, but no person shall be deemed to have a direct pecuniary interest by reason only of being a ratepayer within the area of jurisdiction of the board that is a party.

Persons prohibited as arbitrator or members or chairman of board of arbitration

31.—(1) Where a member of a board of arbitration is unable to enter on or to carry on his duties so as to enable a decision to be rendered within the period of time required by subsection 2 or ceases to act by reason of withdrawal or death before the board of arbitration has completed its work, a replacement shall be appointed by the body that appointed the member, and the board of arbitration shall continue to function as if such member were a member of the board of arbitration from the beginning.

Vacancy

(2) Where the chairman of a board of arbitration is unable to enter on or to carry on his duties so as to enable a decision to be rendered within sixty days after his appointment or within such longer period of time as may be provided in writing by the board of arbitration and consented to by the Commission or ceases to act by reason of withdrawal or death, the Commission shall give notice thereof to the members of the board of arbitration who shall within seven days of the giving of the notice appoint a person to be the chairman and if the appointment is not so made by the members it shall be made by the Commission, and after the chairman is appointed the arbitration shall begin *de novo*.

Where chairman unable to act

(3) Where an arbitrator is unable to enter on or to carry on his duties so as to enable a decision to be rendered within sixty days after his appointment or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission or ceases to act by reason of withdrawal or death, the Commission shall give notice thereof to the parties who shall within seven days of the giving of the notice appoint a person to be the arbitrator and if the appointment is not so made it shall be made by the Commission and after the arbitrator is appointed the arbitration shall begin *de novo*.

Where arbitrator unable to act

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Notice of
matters
agreed
upon and
matters in
dispute

32. Within seven days after the giving of notice that the arbitrator or the chairman of the board of arbitration, as the case may be, has been appointed, each party shall give written notice to the arbitrator or chairman and to the other party setting out all the matters that the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties.

Procedure

33.—(1) The arbitrator or board of arbitration shall determine his or its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(2) If the members of a board of arbitration are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(3) The decision of a majority of a board of arbitration is the decision of the board, but if there is no majority, the decision of the chairman is the decision of the board.

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Powers of
arbitrator
or board of
arbitration

34.—(1) The arbitrator or board of arbitration has power,

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- (a) to summon any person,
 - (i) to give oral or written evidence on oath or affirmation to the arbitrator or board of arbitration, or
 - (ii) to produce in evidence for the arbitrator or board of arbitration such documents and other things as the arbitrator or board of arbitration may specify;
- (b) to administer oaths and affirmations;
- (c) to accept for or exclude from consideration any oral testimony, document or other thing, whether admissible in a court of law or not.

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Stated case
for contempt
for failure
to attend.
etc.

- (2) Where any person without lawful excuse,
 - (a) on being duly summoned under subsection 1 as a witness before the arbitrator or board of arbitration, as the case may be, makes default in so attending;
 - (b) being in attendance as a witness before the arbitrator or board of arbitration, as the case may be,

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refuses to take an oath or to make an affirmation legally required by the arbitrator or board of arbitration to be taken or made, or to produce any document or thing in his power or control legally required by the arbitrator or board of arbitration to be produced to him or it, or to answer any question to which the arbitrator or board of arbitration may legally require an answer; or

- (c) does any other thing that would, if the arbitrator or board of arbitration had been a court of law having power to commit for contempt, have been contempt of that court,

the arbitrator or board of arbitration may state a case to the Divisional Court setting out the facts and that court may, on the application of the arbitrator or board of arbitration, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

35.—(1) The arbitrator or board of arbitration shall inquire into, consider and decide on all matters remaining in dispute between the parties. Duty of arbitrator or board of arbitration

(2) In the conduct of proceedings before him or it and in reaching a decision in respect of a matter in dispute, the arbitrator or board of arbitration may inquire into and consider any matter that the arbitrator or board of arbitration considers relevant to the making of an agreement between the parties. Matters that may be considered by arbitrator or board of arbitration

36.—(1) The arbitrator or board of arbitration shall complete the consideration of all matters in dispute between the parties and shall report in writing his or its decision on the matters to the parties and to the Commission within sixty days after the giving of notice of the appointment of the arbitrator or of the appointment of the chairman of the board of arbitration, as the case may be, or within such longer period of time as may be provided in writing by the arbitrator or board of arbitration and consented to by the Commission. Time for report of arbitrator or board of arbitration

(2) The decision of the arbitrator or board of arbitration is binding upon the parties and they shall comply in good faith with the decision. Effect of decision

Preparation and execution of document by parties

37.—(1) Within thirty days after receipt by the parties of the report of the arbitrator or board of arbitration, as the case may be, the parties shall prepare a document giving effect to all matters agreed upon by the parties and the decision of the arbitrator or board of arbitration and shall execute the document and thereupon it constitutes an agreement.

Where arbitrator or board of arbitration to prepare document

(2) If the parties fail to execute the document within the period of time mentioned in subsection 1, the arbitrator or board of arbitration, as the case may be, shall prepare the document and submit it to the parties and shall fix the time within which and the place where the parties shall execute the document.

Failure to execute document

(3) If the parties or either of them fail to execute the document within the time fixed by the arbitrator or the board of arbitration, the document shall be deemed to be in effect as though it had been executed by the parties and the document thereupon constitutes an agreement.

PART V

FINAL OFFER SELECTION

Parties to give notice to Commission where selection agreed upon

38.—(1) Where the parties agree to refer all matters remaining in dispute between them that may be provided for in an agreement to a selector, the parties shall jointly give written notice to the Commission that they have so agreed and the notice shall state that the parties agree to refer the matters to a selector and,

(a) the date of appointment and the name and address of the selector; or

(b) that the parties have not appointed the selector and that the parties request the Commission to appoint the selector.

Statement by parties

(2) The parties shall, together with the notice mentioned in subsection 1, give to the Commission a written statement signed by the parties setting out that neither party will withdraw from the proceedings after the final offers of the parties have been submitted to the selector and that the decision of the selector will be accepted by the parties as binding upon them.

Parties not to withdraw

(3) Except as provided in section 57, where the parties give to the Commission a written statement in accordance with

subsection 2, a party shall not withdraw from the proceedings after the final offer of either of the parties has been submitted to the selector.

(4) Where the parties request the Commission to appoint the selector, the Commission shall make the appointment and give notice of the appointment of the selector to the parties and the notice shall set out the name and address of the person appointed and the date of the appointment.

Where
Commission
appoints
selector

39. No person shall be appointed a selector who has a direct pecuniary interest in the matters coming before him or who is acting or has, within the period of six months immediately before the date of his appointment, acted as solicitor, counsel, negotiator, advisor or agent of either of the parties, but no person shall be deemed to have a direct pecuniary interest by reason only of being a ratepayer within the area of jurisdiction of the board that is a party.

Persons
prohibited
as selector

40. Where a selector is unable to enter on or to carry on his duties so as to enable a decision to be rendered within the time specified by this Act or such longer period of time as may be provided in writing by the selector and consented to by the Commission or ceases to act by reason of withdrawal or death, the Commission shall give notice thereof to the parties who shall within seven days of the giving of the notice appoint a person to be the selector, and if the appointment is not so made by the parties it shall be made by the Commission, and after the selector is appointed, the selection procedure shall begin *de novo*.

Selector
unable to
act

41. Within seven days after the giving of notice that the selector has been appointed, the parties shall jointly give written notice to the selector setting out all the matters that the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties.

Notice of
matters
agreed
upon and
matters in
dispute

42. Within fifteen days after the giving of notice that the selector has been appointed, each party shall give written notice to the selector setting out the final offer of the party on all the matters remaining in dispute between the parties and may submit with the notice a written statement in support of the final offer set out in the notice.

Notice of
final offer

43. Upon receiving the notices of the parties setting out the final offer of each party, the selector shall forthwith give to each party a copy of the notice setting out the final offer of the opposite party on all the matters remaining

Final offer
of opposite
party

in dispute between the parties together with a copy of the statement, if any, of the opposite party submitted in support of the final offer of the opposite party.

Written
response

44.

Each party may, within ten days after being given a copy of the final offer and supporting statement, if any, of the opposite party, give to the selector a written reply and the selector shall forthwith give a copy of the reply of each party to the opposite party.

Hearing

45.

Within fifteen days after each party has been given a copy of the final offer and supporting statement, if any, of the opposite party, or within such longer period of time as may be provided in writing by the selector and consented to by the Commission, the selector shall hold a hearing in respect of the matters remaining in dispute between the parties and may, before making a selection, hold a further hearing or hearings.

Parties may
dispense
with hearing

46.

The parties may agree to dispense with a hearing by the selector and in such case may jointly give written notice to the selector that they have so agreed, and, the selector upon receipt of the notice, shall not hold a hearing but shall proceed to his decision.

Procedure

47.—(1)

The selector shall determine his own procedure but, in holding a hearing, shall give full opportunity to the parties to present their evidence and make their submissions.

Powers of
selector

(2)

The selector has power,

(a)

to summon any person,

(i)

to give oral or written evidence on oath or affirmation to the selector, or

(ii)

to produce in evidence for the selector such documents and other things as the selector may specify;

(b)

to administer oaths and affirmations;

(c)

to accept for or exclude from consideration any oral testimony, document or other thing, whether admissible in a court of law or not.

Stated case
for contempt
for failure
to attend,
etc.

(3)

Where any person without lawful excuse,

(a)

on being duly summoned under subsection 2 as a witness before the selector makes default in so attending;

- (b) being in attendance as a witness before the selector, refuses to take an oath or to make an affirmation legally required by the selector to be taken or made, or to produce any document or thing in his power or control legally required by the selector to be produced to him, or to answer any question to which the selector may legally require an answer; or
- (c) does any other thing that would, if the selector had been a court of law having power to commit for contempt, have been contempt of that court,

the selector may state a case to the Divisional Court setting out the facts and that court may, on the application of the selector, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

48. The selector shall, within fifteen days after the conclusion of the hearing or hearings or within fifteen days after the giving of the notice by the parties that they have agreed to dispense with a hearing, as the case may be, or within such longer period of time as may be provided in writing by the selector and consented to by the Commission, make a decision selecting all of one of the final offers on all matters remaining in dispute between the parties given to the selector by one or the other of the parties.

Selection
of final
offer

49. The decision of the selector is binding upon the parties and they shall comply in good faith with the decision.

Effect of
decision

50.—(1) Within thirty days after receipt of notice of the decision of the selector, the parties shall prepare a document giving effect to all matters agreed upon by the parties and the decision of the selector and shall execute the document and thereupon it constitutes an agreement.

Preparation
and execu-
tion of
document
by parties

(2) If the parties fail to execute the document within the period of time mentioned in subsection 1, the selector shall prepare the document and submit it to the parties and shall fix the time within which and the place where the parties shall execute the document.

Where
selector
to prepare
document

(3) If the parties or either of them fail to execute the document within the time fixed by the selector, the document shall be deemed to be in effect as though it had been executed by the parties and the document thereupon constitutes an agreement.

Failure
to execute
document

PART VI

AGREEMENTS

Term of
agreement

51.—(1) Every agreement shall,

- (a) provide for a term of operation of not less than one year;
- (b) state that it is effective on and after the 1st day of September in the year in which it is to come into operation; and
- (c) state that it expires on the 31st day of August in the year in which it ceases to operate.

Exception

(2) Notwithstanding subsection 1, where a written collective understanding is expressed to expire on or about the 31st day of December, 1975, the parties may make an agreement expressed to expire on the 31st day of August, 1976.

Idem

(3) Notwithstanding subsection 1, where a written collective understanding is expressed to expire on or about the 31st day of December, 1976, the parties may make an agreement expressed to expire on the 31st day of August, 1977.

Conflict

52.—(1) Where a conflict appears between a provision of an agreement and a provision of an Act or regulation, the provision of the Act or regulation prevails.

Application
of
B.N.A. Act

(2) The provisions of this Act shall not be construed as to prejudicially affect the rights and privileges with respect to the employment of teachers enjoyed by Roman Catholic and Protestant separate school boards under *The British North America Act, 1867*.

Resolution
of matters
arising
out of
agreement

53.—(1) Unless an agreement otherwise provides for the final and binding settlement of all differences between the parties arising from the interpretation, application, administration or alleged contravention of the agreement, the agreement is deemed to include the following provision:

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, or where an allegation is made that this agreement has been contravened, either of the parties may, after exhausting any grievance procedure established

by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party either that it accepts the other party's appointee as a single arbitrator or inform the other party of the name of its appointee to the arbitration board. Where two appointees are so selected they shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Commission upon the request of either party. The single arbitrator or the arbitration board, as the case may be, shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but, if there is no majority, the decision of the chairman governs. The arbitrator or arbitration board, as the case may be, shall not by his or its decision add to, delete from, modify or otherwise amend the provisions of this agreement.

(2) Where a party or a teacher fails to comply with any of the terms of a decision of an arbitrator or arbitration board, any party or any teacher affected by the decision may file in the office of the Registrar of the Supreme Court a copy of the decision of the arbitrator or arbitration board, exclusive of the reasons therefor and certified by the arbitrator or the chairman of the arbitration board to be a true copy of the decision, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Enforcement
of
arbitration
decision

54.—(1) Every agreement shall provide that there will be no strike or lock-out during the term of the agreement or of any renewal of the agreement.

Provision
against
strikes, etc.

(2) If an agreement does not contain the provision mentioned in subsection 1, the agreement shall be deemed to contain the following provision:

Statutory
provision

“There shall be no strike or lock-out during the term of this agreement or of any renewal of this agreement”.

(3) For the purposes of subsections 1 and 2, a written collective understanding shall be deemed to be an agreement.

Where
written
collective
understand-
ing deemed to
be agreement

Agreement
to form
part of
contract of
employment

55.—(1) An agreement between a board and a branch affiliate shall be deemed to form part of the contract of employment between the board and each teacher who is a member of the branch affiliate.

Conflict

(2) Where a conflict appears between a provision of any other part of a contract of employment and a provision of the agreement referred to in subsection 1, the provision of the agreement prevails, but no agreement shall conflict with the form of contract prescribed by the regulations under *The Education Act, 1974*.

1974. c. 109

Notice of
agreement

56. Where the parties agree on all the matters to be included in an agreement, whether during or at the conclusion of negotiations or other proceedings under this Act, the chief executive officer of the board or of each of the boards, as the case may be, that is a party shall forthwith give notice thereof to the Commission.

Where
agreement
reached

57. Where the parties agree on all the matters to be included in an agreement, whether during or at the conclusion of negotiations or other proceedings under this Act, they shall prepare a document incorporating all the matters agreed upon and shall execute the document and the document thereupon constitutes an agreement.

Notice to
Commission
of execution
of agreement

58. Upon the execution of an agreement, each party to the agreement shall forthwith give notice thereof, together with a copy of the agreement, to the Commission.

Binding
effect of
agreement

59. An agreement is binding upon the board and upon the branch affiliate that is a party to it and upon the teachers employed by the board who are members of the branch affiliate.

PART VII

EDUCATION RELATIONS COMMISSION

Commission
established

60.—(1) There shall be a commission to be known as the Education Relations Commission composed of five persons who shall be appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman from among the members of the Commission.

Acting
chairman

(3) In the case of the absence or inability to act of the chairman or of there being a vacancy in the office of the chairman, the vice-chairman shall act as and have all the powers of the chairman and in the absence of the chairman

and, vice-chairman from any meeting of the Commission, the members of the Commission present at the meeting shall appoint an acting chairman who shall act as and have all the powers of the chairman during the meeting.

(4) The members of the Commission shall be appointed for a term of one, two or three years so that as nearly as possible one-third of the members shall retire each year. Term of office

(5) Every vacancy on the Commission caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member. Vacancy

(6) Each of the members of the Commission is eligible for reappointment upon the expiration of his term of office. Reappointment

(7) Three members of the Commission constitute a quorum and are sufficient for the exercise of all the authority of the Commission. Quorum

(8) The powers of the Commission shall be exercised by resolution and the Commission may pass resolutions governing the calling of and the proceedings at meetings and specifying the powers and duties of employees of the Commission and generally dealing with the carrying out of its duties. Exercising powers

(9) The members of the Commission shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. Remuneration

(10) Subject to the approval of the Lieutenant Governor in Council, the Commission may, Officers, staff, etc.

(a) establish job classifications, salary ranges and terms and conditions of employment for its employees; and

(b) appoint and pay such employees as are considered proper.

(11) *The Public Service Superannuation Act* applies to the permanent employees of the Commission as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act. R.S.O. 1970, c. 387, applicable

(12) The Commission may engage persons other than those employed pursuant to subsection 10 to provide professional, technical or other assistance to or on behalf of the Commission, Professional and other assistance

and may prescribe the terms of engagement and provide for payment of the remuneration and expenses of such persons.

Duties of
Commission

61.—(1) It is the duty of the Commission,

- (a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- (b) to maintain an awareness of negotiations between teachers and boards;
- (c) to compile statistical information on the supply, distribution, professional activities and salaries of teachers;
- (d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- (e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors;
- (f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- (g) to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act; and
- (h) to advise the Lieutenant Governor in Council when, in the opinion of the Commission, the continuance of a strike, lock-out or closing of a school or schools will place in jeopardy the successful completion of courses of study by the students affected by the strike, lock-out or closing of the school or schools.

Provision of
information

(2) The Commission may request a board to provide information necessary to compile the statistical information referred to in subsection 1 and a board shall comply with such a request within a reasonable period of time.

Annual
report

(3) The Commission shall annually prepare a report on the affairs of the Commission for the preceding year and the report shall be tabled in the Legislature.

62. No member of the Commission shall be required to give testimony in any proceeding under this Act with regard to information obtained by him in the discharge of his duties as a member of the Commission. Testimony
by member
of
Commission

63. The moneys required for the purposes of the Commission shall, until the 31st day of March, 1976 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

PART VIII

STRIKES AND LOCK-OUTS

64.—(1) No teacher shall take part in a strike against the board that employs the teacher unless, Notice of
strike

- (a) there is no agreement in operation that is deemed under this Act to form part of the contract of employment between the board and the teacher;
- (b) notice of desire to negotiate to make or renew an agreement has been given by either party;
- (c) all the matters remaining in dispute between the board and the branch affiliate that represents the teacher have been referred to a fact finder and fifteen days have elapsed after the Commission has made public the report of the fact finder;
- (d) the offer of the board in respect of all matters agreed upon by the parties and in respect of all matters remaining in dispute between the parties last received by the branch affiliate that represents the teacher is submitted to and rejected by the teachers composing the branch affiliate by a vote by secret ballot conducted under the supervision of and in the manner determined by the Commission;
- (e) the teachers composing the branch affiliate that represents the teacher have voted, not earlier than the vote referred to in clause *d* and not before the end of the fifteen day period referred to in clause *c*, in favour of a strike by a vote by secret ballot conducted under the supervision of and in the manner determined by the Commission; and
- (f) after a vote in favour of a strike in accordance with clause *e*, the branch affiliate that represents the teacher gives to the board written notice of the strike and of the date on which the strike

will commence at least five days before the commencement of the strike.

Where
written
collective
under-
standing

(2) Where a written collective understanding is in effect immediately before the coming into force of this Act, no teacher shall take part in a strike against the board unless the requirements of clauses *c*, *d*, *e* and *f* of subsection 1 are complied with.

Where
written
collective
under-
standing
deemed to be
agreement

(3) For the purpose of subsection 1, a written collective understanding is deemed to be an agreement mentioned in clause *a* of subsection 1.

Principals
and vice-
principals

65.—(1) A principal and a vice-principal shall be members of a branch affiliate.

Idem,
membership
in branch
affiliate

(2) Notwithstanding subsection 1, in the event of a strike by the members of a branch affiliate each principal and vice-principal who is a member of the branch affiliate shall remain on duty during the strike or any related lock-out or state of lock-out or closing of a school or schools.

Unlawful
strike

66.—(1) The Federation shall not and no affiliate or branch affiliate shall call or authorize or threaten to call or authorize an unlawful strike.

Idem

(2) No officer, official or agent of the Federation, an affiliate or a branch affiliate or member of a branch affiliate shall counsel, procure, support or encourage an unlawful strike or threaten an unlawful strike.

Unlawful
lock-out

67.—(1) The Council shall not and no member association or board shall call or authorize or threaten to call or authorize an unlawful lock-out.

Idem

(2) No officer, official or agent of the Council, a member association or a board or member of a board shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out.

Declaration
of unlawful
strike

68.—(1) Where the Federation, an affiliate or a branch affiliate calls or authorizes a strike or teachers take part in a strike against a board that the board, a member association, the Council or any person normally resident within the jurisdiction of the board alleges is unlawful, the board, member association, Council or person may apply to the Ontario Labour Relations Board for a declaration that the strike is unlawful, and the Board may make the declaration.

Declaration
of unlawful
lock-out

(2) Where the Council, a member association or a board calls or authorizes a lock-out of members of a branch affiliate that the branch affiliate, an affiliate, the Federation or any person normally resident within the jurisdiction of the board

alleges is unlawful, the branch affiliate, affiliate, Federation or person may apply to the Ontario Labour Relations Board for a declaration that the lock-out is unlawful, and the Board may make the declaration.

(3) Where the Ontario Labour Relations Board makes a declaration under subsection 1 or 2, the Board in its discretion may, in addition, direct what action, if any, a person, teacher, branch affiliate, affiliate, the Federation, a board, member association or the Council and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or unlawful lock-out. ^{Direction by O.L.R.B.}

(4) The Ontario Labour Relations Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under subsection 3, exclusive of the reasons therefor, whereupon the direction shall be entered in the same way as a judgment or order of the court and is enforceable as such. ^{Enforcement of direction by S.C.O.}

69.—(1) Where a lawful strike takes place against a board, the board may lock out or declare a state of lock-out to exist against all members, other than principals or vice-principals, of the branch affiliate that represents teachers engaged in the strike. ^{Lock-out}

(2) No board shall lock out or declare a state of lock-out to exist or close a school or schools unless and until the proposal of the branch affiliate in respect of all matters agreed upon by the parties and in respect of all matters remaining in dispute between the parties last received by the board has been presented to a meeting of the board in public session. ^{Idem}

(3) Except as provided in subsection 1, a board shall not lock out a teacher. ^{Idem}

(4) Where a lawful strike takes place against a board, the board may close a school or schools where the board is of the opinion that, ^{Closing of school}

(a) the safety of students may be endangered;

(b) the school building or the equipment or supplies therein may not be adequately protected during the strike; or

(c) the strike will substantially interfere with the operation of the school.

Payment
of teachers

(5) A teacher shall not be paid his salary in respect of the days on which,

- (a) he takes part in a strike, other than a strike as defined in subclause ii of clause 1 of section 1;
- (b) he is locked out; or
- (c) the school in which he is employed is closed pursuant to subsection 4.

Resumption
of strike
or new strike

(6) Where a lawful strike is terminated without an agreement coming into effect, no teacher shall take part in a resumption of the strike or take part in a new strike except after the provisions of clauses *d*, *e* and *f* of subsection 1 of section 64 have again been complied with in respect of such resumption or new strike.

Application
of section
1974, c. 109

(7) The provisions of this section apply notwithstanding any provision of *The Education Act, 1974*.

Participa-
tion in
lawful
strike

70. The contract of employment or position of a teacher shall not be terminated by reason of his participation in a lawful strike.

Resignation,
etc.,
by teacher

71. Nothing in this Act precludes a teacher,

- (a) from terminating his employment with a board in good faith in accordance with the provisions of his contract of employment;
- (b) from withdrawing a voluntary service in good faith on an individual basis.

PART IX

MISCELLANEOUS

Copies of
notice to be
given to
Commission

72. Where, under this Act, a party is required to give notice to another party, the party giving the notice shall also within the same time limit, if any, give a copy of the notice to the Commission.

Decisions,
etc., of
Commission
and others
not subject
to review

73. Except in respect of section 52, no decision, order, determination, direction, declaration or ruling of the Commission, a fact finder, an arbitrator or board of arbitration, a selector or the Ontario Labour Relations Board shall be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings taken in any court, whether by way of injunction, declaratory judgment,

certiorari, mandamus, prohibition, quo warranto, application for judicial review or otherwise, to question, review, prohibit or restrain the Commission, fact finder, arbitrator or board of arbitration, selector or the Ontario Labour Relations Board or the proceedings of any of them.

74. Any notice or document required or authorized by ^{Service of notice} this Act to be given shall,

- (a) where it is to be given to the Commission, be delivered to the office of the Commission;
- (b) where it is to be given to a board, be delivered to the office of the board;
- (c) where it is to be given to a branch affiliate, be delivered to an officer of the branch affiliate;
- (d) where it is to be given to an affiliate, the Council, the Federation or a member association, be delivered to the office of the affiliate, the Council, the Federation or the member association, as the case requires;
- (e) where it is to be given to an arbitrator or selector, be delivered to the arbitrator or selector; and
- (f) where it is to be given to a board of arbitration, be delivered to the chairman or either of the other two members of the board of arbitration.

75.—(1) The expenditures incurred by a party in respect ^{Costs} of a person appointed or retained by the party for the purpose of making or renewing an agreement shall be borne by the party and all other expenses, including fees for a single arbitrator, a selector or a chairman of a board of arbitration shall be shared equally by the parties and such expenditures and fees shall be paid within sixty days after the agreement or renewal of agreement is executed or is deemed in effect as though it had been executed by the parties.

(2) The fees and expenses, if any, of persons assigned by ^{Idem} the Commission to assist parties to make or renew an agreement and of fact finders appointed by the Commission shall be paid by the Commission.

76. Where the Commission so directs, a branch affiliate shall file with the Commission, within the time prescribed in the direction, a statement signed by its president or secretary setting out the names and addresses of its officers. ^{Statement as to officers of branch affiliate}

Where vote
by secret
ballot
required

77.—(1) Subject to subsection 2, a vote conducted by a branch affiliate to give approval to the terms of an agreement shall be a vote by secret ballot.

Idem

(2) A vote conducted by a branch affiliate for the purposes of subsection 1 of section 64 or for the purpose of giving approval to the terms of an agreement after the commencement of a strike shall be a vote by secret ballot conducted under the supervision of and in the manner determined by the Commission.

Contraven-
tion by
teacher or
trustee

78.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for each day upon which the contravention occurs or continues.

Contraven-
tion by
Council or
Federation

(2) The Council and every member association and every board and the Federation and every affiliate and every branch affiliate that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 for each day upon which such contravention occurs or continues.

Contraven-
tion of
decision,
etc.

(3) The contravention of a decision, order, determination, direction, declaration or ruling made under this Act is deemed, for the purposes of this section, to be a contravention of this Act.

Where
officers also
guilty of
offence

(4) Where the Council or a member association or the Federation or an affiliate or a branch affiliate is guilty of an offence under this Act, every officer or representative thereof, and where a board is guilty of an offence under this Act every member of the board, who assents to the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to a fine under subsection 1 as if he had been convicted of an offence under subsection 1.

Information

(5) An information in respect of a contravention of any provision of this Act may be for one or more offences and no information, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Consent to
prosecution

(6) No prosecution for an offence under this Act shall be instituted except with the consent of the Ontario Labour Relations Board which may only be granted after affording an opportunity to the person or body seeking the consent and the person or body sought to be prosecuted to be heard.

(7) The Ontario Labour Relations Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Ontario Labour Relations Board may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.

Practice
and
procedure
of O.L.R.B.

(8) The decision of the majority of the members of the Ontario Labour Relations Board present and constituting a quorum is the decision of the Ontario Labour Relations Board, but, if there is no majority, the decision of the chairman or vice-chairman governs.

Decision
of
O.L.R.B.

79. A prosecution for an offence under this Act may be instituted against any body, association or organization in the name of the body, association or organization whether or not the body, association or organization is a body corporate and, for the purposes of any such prosecution, any unincorporated body, association or organization shall be deemed to be a body corporate.

Style of
prosecution

80. Any act or thing done or omitted by an officer, official or agent of the Federation, an affiliate, a branch affiliate, the Council, a member association or a board or by a member of a board within the apparent scope of his authority to act on behalf of the Federation, affiliate, branch affiliate, Council, member association or board shall be deemed to be an act or thing done or omitted by the Federation, affiliate, branch affiliate, Council, member association or board, as the case may be.

Vicarious
responsi-
bility

81.—(1) *The Arbitrations Act* does not apply to proceedings under this Act.

R.S.O. 1970,
c. 25 not
to apply

(2) *The Statutory Powers Procedure Act, 1971*, does not apply to proceedings under this Act other than in respect of a determination referred to in clause *f* of subsection 1 of section 61.

Idem
1971, c. 47

(3) Notwithstanding subsection 2, but subject to section 73, *The Statutory Powers Procedure Act, 1971* applies to proceedings before the Ontario Labour Relations Board under this Act.

Idem

82. Notwithstanding any other provision of this Act,

Compella-
bility of
witnesses

(a) the Minister of Education;

(b) the Deputy Minister of Education;

- (c) the chairman, a vice-chairman or a member of the Ontario Labour Relations Board;
- (d) an arbitrator or member or chairman of a board of arbitration; or
- (e) a selector,

is not a compellable witness in any proceeding under this Act.

Commence-
ment

83. This Act comes into force on the day it receives Royal Assent.

Short title

84. This Act may be cited as *The School Boards and Teachers Collective Negotiations Act, 1975*.

CHAPTER 73

**An Act to amend
The Public Service Superannuation Act***Assented to July 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 1 and 1974, chapter 37, section 1, is further amended by adding at the end thereof “and the Canada Pension Plan”. s. 1 (1) (d),
amended
- (2) Subclause ii of clause *h* of subsection 1 of the said section 1 is amended by striking out “number of years” in the second line and inserting in lieu thereof “period of not less than twelve consecutive months”. s. 1 (1), (h),
(ii), amended
- (3) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 1, 1972, chapter 1, section 76 and 1974, chapter 37, section 1, is further amended by adding thereto the following clause: s. 1 (1),
amended
- (i) “widower” includes a man who,
- (i) establishes to the satisfaction of the Board that he had, for a period of not less than seven years immediately prior to the death of a contributor with whom he had been residing and with whom by law he was prohibited from marrying by reason of a previous marriage either of the contributor or of himself to another person, been maintained and publicly represented by the contributor as her husband, or
- (ii) establishes to the satisfaction of the Board that he had, for a period of not less than twelve consecutive months immediately prior

to the death of a contributor with whom he had been residing, been maintained and publicly represented by the contributor as her husband, and that at the time of the death of the contributor, neither he nor the contributor was married to any other person.

s. 1,
amended

- (4) The said section 1 is amended by adding thereto the following subsection:

When
common-law
husband
deemed
married to
contributor

(3) For the purposes of this Act, a man who has established to the satisfaction of the Board that he is a widower under subclause i or ii of clause *i* of subsection 1 shall, if the Board so directs, be deemed to have become married to the contributor at such time as he commenced being represented by her as her husband, and a man who could establish that he is a widower under subclause i or ii of clause *i* of subsection 1 but for his marriage to a contributor after such time as he commenced being represented by her as her husband shall, if the Board so directs, be deemed to have become married to the contributor at the time when, in fact, he commenced being so represented.

s. 6,
amended

2. Section 6 of the said Act is amended by striking out "3 per cent per annum compounded half-yearly" in the second and third lines and inserting in lieu thereof "5 per cent per annum compounded annually".

s. 8 (1) (*d*),
amended

- 3.—(1) Clause *d* of subsection 1 of section 8 of the said Act is amended by adding at the end thereof "at such rate as the Board determines".

s. 8 (6),
amended

- (2) Subsection 6 of the said section 8, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 2 and amended by 1974, chapter 37, section 4, is further amended by inserting after "may" in the fifth line "elect to".

s. 9 (1),
re-enacted

- 4.—(1) Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor:

Leave of
absence
contribu-
tions

(1) A contributor who is granted leave of absence of more than one month without salary because of illness or pregnancy may make contributions to the Fund for the period of leave, in which case the contributor shall contribute an amount equal to the amount the contributor would have contributed to the Fund if leave had not been granted, and such contribution shall be made within six months of the termination of leave, or the contributor may elect not to make such contribution, in which case the contributor is not entitled to credit for the period of the leave.

- (2) The said section 9 is amended by adding thereto the ^{s. 9, amended} following subsection:

(4) Any contributor who is entitled under subsection 1, ^{Open option} 2 or 3 to credit in the Fund but who has failed to establish credit in respect of the contributor's period of leave under subsection 1, 2 or 3 may elect to establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary on which the contribution would be based shall be deemed to be equal to the rate of salary authorized to be paid to the contributor at the time the election was made and interest shall not be added.

- 5.—(1) Subsection 1 of section 11 of the said Act is amended by ^{s. 11 (1), amended} adding at the commencement thereof "Subject to subsection 4".

- (2) Subsection 2 of the said section 11 is amended by ^{s. 11 (2), amended} adding at the commencement thereof "Subject to subsection 4".

- (3) Subsection 3 of the said section 11, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 3 and amended by 1974, chapter 37, section 6, is further amended by adding at the commencement thereof "Subject to subsection 4". ^{s. 11 (3), amended}

- (4) The said section 11 is further amended by adding thereto ^{s. 11, amended} the following subsection:

(4) The entitlement to a superannuation allowance, subject to section 14, commences on the first day of the month next following the month in which the contributor retired. ^{Commencement of entitlement to superannuation allowance}

- 6.—(1) Subsection 1 of section 12 of the said Act is amended by adding at the commencement thereof "Subject to subsection 1a". ^{s. 12 (1), amended}

- (2) The said section 12, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 4, is further amended by adding thereto the following subsection: ^{s. 12, amended}

(1a) The entitlement to a disability allowance, subject to section 14, commences on the first day of the month next following the month in which the contributor terminated his service. ^{Commencement of entitlement to disability allowance}

s. 12 (4), re-enacted	(3) Subsection 4 of the said section 12, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 4, is repealed and the following substituted therefor:
Where offer not accepted	(4) Where a person does not accept the offer, he is entitled to a deferred annuity or to an immediate annuity in accordance with the provisions of section 13, except that if he is entitled to an immediate annuity under section 13, the date on which he declined the offer of employment shall be deemed to be the date on which he ceased to be employed under that section.
s. 13, amended	7. Section 13 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 5, is further amended by adding thereto the following subsections:
Commence- ment of entitlement under subsection 1	(1a) The entitlement to a deferred annuity under clause <i>a</i> or <i>b</i> of subsection 1, subject to section 14, commences on the first day of the month next following the month in which the contributor attained the age of sixty-five years or sixty years, respectively. <div>.</div>
Commence- ment of entitlement under subsection 2	(2a) The entitlement to a deferred annuity under clause <i>a</i> or <i>b</i> of subsection 2, subject to section 14, commences on the first day of the month next following the month in which the contributor attained the age of sixty years or sixty-five years, respectively. <div>.</div>
Commence- ment of entitlement under subsection 3	(3a) The entitlement to an immediate annuity under clause <i>a</i> or <i>b</i> of subsection 3, subject to section 14, commences on the first day of the month next following the month in which the contributor ceased to be employed. <div>.</div>
Commence- ment of entitlement under subsection 4	(4a) The entitlement to the immediate annuity under subsection 4, subject to section 14, commences on the first day of the month next following the month in which the contributor elected to take the immediate annuity. <div>.</div>
Commence- ment of entitlement under subsection 5	(5a) The entitlement to an immediate annuity under clause <i>a</i> or <i>b</i> of subsection 5, subject to section 14, commences on the first day of the month next following the

month in which the contributor or person elected to take the immediate annuity.

8. Section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 7, is amended by striking out "to the Fund with interest" in the fifteenth and sixteenth lines and inserting in lieu thereof "under section 7, with interest thereon, together with all other moneys paid into the Fund that entitle him or her to credit in the Fund, with interest thereon". s. 18,
amended

- 9.—(1) Section 20 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 8 and 1974, chapter 37, section 10, is further amended by adding thereto the following subsection: s. 20,
amended

(2a) The entitlement to the payment,

(a) of the amount referred to in subclause i or ii of clause *a* of subsection 2; or

(b) of the amount referred to in subclause i or ii of clause *b* of subsection 2,

Commence-
ment of
entitlement
to payment
under
subsection 2

commences on the first day of the month next following the month in which the contributor or person died.

- (2) Subsection 6 of the said section 20 is amended by striking out "with interest" in the fifth line and inserting in lieu thereof "under section 7, with interest thereon, together with all other moneys paid into the Fund that entitle him to credit in the Fund, with interest thereon". s. 20 (6),
amended

10. The said Act is amended by adding thereto the following section: s. 20a,
enacted

20a.—(1) In this section, "approved long term income protection plan" means a plan established pursuant to *The Public Service Act*.

Long term
income
protection
plan

R.S.O. 1970,
c. 386

(2) Where a contributor who is not in receipt of an allowance or annuity under this Act and whose disability was incurred on or after the 1st day of July, 1974 has qualified for a benefit under an approved long term income protection plan, whether or not he is in receipt of such benefit, a contribution shall be made to the Fund on behalf of the contributor, out of moneys appropriated therefor by the Legislature, for each month or part of a month in respect of which the contributor continues to qualify for such a benefit and the contribution shall be 6 per cent of the salary

Contribution
on behalf of
disabled
contributor

authorized to be paid to the contributor in the month immediately prior to the month in which he qualified for the benefit.

Period
deemed
contributory
service

(3) The period for which contributions are required to be made under subsection 1 shall be counted as contributory service.

s. 21,
re-enacted

11. Section 21 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 40, section 4, is repealed and the following substituted therefor:

Payment
of
allowances
and
annuities

21. An allowance or annuity to which a person becomes entitled under this Act is payable in monthly instalments commencing with the month in which the person becomes entitled thereto, but in the first instance payment thereof shall commence as soon as practicable after the entitlement thereto occurred.

s. 28 (2),
amended

12.—(1) Subsection 2 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 37, section 12, is amended by adding thereto the following clause:

(ca) the staff of,

(i) any Government related agency,

(ii) any public institution that is assisted by money appropriated by the Legislature, and

(iii) any corporation the controlling interest of which is owned by the Crown in right of Ontario or whose bonds or debentures are guaranteed by the Crown in right of Ontario,

that is designated by the Lieutenant Governor in Council.

s. 28 (3),
amended

(2) Subsection 3 of the said section 28 is amended by adding thereto the following clause:

(ca) the staff of,

(i) any Government related agency,

(ii) any public institution that is assisted by money appropriated by the Legislature, and

(iii) any corporation the controlling interest of which is owned by the Crown in right of

Ontario or whose bonds or debentures are guaranteed by the Crown in right of Ontario,

that is designated by the Lieutenant Governor in Council.

(3) Clause *g* of subsection 3 of the said section 28 is amended ^{s. 28 (3) (*g*), amended} by adding at the end thereof “in any province of Canada and who becomes a chaplain in the public service of Ontario”.

(4) Subsection 6 of the said section 28 is amended by inserting after “may” in the third line “elect to”. ^{s. 28 (6), amended}

(5) Subsection 8 of the said section 28 is amended by striking out “Crown corporation” in the fourth and fifth lines and inserting in lieu thereof “corporation, Government related agency”. ^{s. 28 (8), amended}

13. Subsection 5 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 37, section 13, is amended by inserting after “may” in the third line “elect to”. ^{s. 29 (5), amended}

14.—(1) Subsection 1 of section 29*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 37, section 14, is repealed and the following substituted therefor: ^{s. 29*a* (1), re-enacted}

(1) Every contributor who was on active service during ^{Military service} World War II or the Korean War,

(*a*) in His or Her Majesty’s naval, army or air forces or in the Canadian or British Merchant Marine; or

(*b*) in any naval, army or air force that was allied with His or Her Majesty’s forces and that is designated by the Lieutenant Governor in Council,

may, on producing proof of such service, establish credit in the Fund in respect of such service.

(2) Subsection 2 of the said section 29*a* is amended by striking out “one year” in the third line and inserting in lieu thereof “two years”. ^{s. 29*a* (2), amended}

(3) Subsection 4 of the said section 29*a* is amended by inserting after “may” in the third line “elect to”. ^{s. 29*a* (4), amended}

15. The said Act is further amended by adding thereto the following sections: ^{ss. 34*a*, 34*b*, enacted}

Refund
to estate
of deceased
contributor
where spouse
or child
cannot be
found

34a.—(1) Where a spouse or child of a deceased contributor cannot be found and the Board is satisfied that reasonable inquiries have been made to find the spouse or child and more than one year has passed since the death of the contributor, the Board may, notwithstanding any other provision of this Act, direct that the moneys that would be payable under this Act to the deceased contributor's estate if the contributor had died leaving no widow or widower and no child be paid to the deceased contributor's estate upon such terms and conditions as the Board directs.

Where
spouse
or child
later
found

(2) Where the spouse or child referred to in subsection 1 is subsequently found and a claim is made for any moneys payable under this Act, the Board may direct that such moneys, less any moneys paid under subsection 1, be paid to the spouse or child, as the case may be.

Payment to
child or
estate of
deceased
contributor
where spouse
not entitled
to or
refuses to
accept
moneys

34b. Where a contributor dies and any moneys are payable under this Act to his spouse and the Board is satisfied that the spouse is not entitled to receive such moneys by virtue of a separation agreement or other contractual arrangement entered into with the contributor before he died or that the spouse has refused to accept such moneys, the Board may direct that,

- (a) where there is a child under the age of eighteen years, the moneys be paid in accordance with this Act as if there were no spouse; and
- (b) if there is no child under the age of eighteen years, the moneys that would be payable under this Act to the deceased contributor's estate if the contributor had died leaving no widow or widower and no child be paid to the deceased contributor's estate.

s. 39,
enacted

16. The said Act is further amended by adding thereto the following section:

Augmenta-
tion of
allowances
and
annuities

39.—(1) The Lieutenant Governor in Council, for the purpose of augmenting from time to time allowances and annuities being paid under this Act, may make regulations providing for the payment of supplementary benefits and minimum amounts to persons receiving allowances or annuities under this Act and prescribing the minimum amounts and the amounts of such benefits, the times at which they shall be paid and the classes of persons entitled thereto.

Moneys
required to
augment
allowances,
etc.

(2) The moneys required for the purposes of subsection 1 shall be credited to the Fund out of the Consolidated Revenue Fund.

- 17.** Section 19 of *The Public Service Superannuation Amendment Act, 1960-61*, being chapter 84, is repealed. ^{Repeal}
- 18.**—(1) This Act, except subsection 3 of section 12 and sections 10 and 14, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
- (2) Subsection 3 of section 12 and section 14 shall be deemed to have come into force on the 18th day of June, 1974. ^{Idem}
- (3) Section 10 shall be deemed to have come into force on the 1st day of January, 1975. ^{Idem}
- 19.** This Act may be cited as *The Public Service Superannuation Amendment Act, 1975*. ^{Short title}

CHAPTER 74

**An Act respecting Collective Bargaining
for Colleges of Applied Arts and
Technology***Assented to July 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

GENERAL

1. In this Act and in the Schedules,

Interpre-
tation

- (a) “agreement” means a written collective agreement between the Council on behalf of the employers and an employee organization covering terms and conditions of employment negotiable under this Act;
- (b) “bargaining unit” means the academic staff bargaining unit of employees or the support staff bargaining unit of employees set out in Schedules 1 and 2;
- (c) “board” means a board of governors of a college of applied arts and technology;
- (d) “Commission” means the College Relations Commission established under this Act;
- (e) “Council” means the Ontario Council of Regents for Colleges of Applied Arts and Technology;
- (f) “employee” means a person employed by a board of governors of a college of applied arts and technology in a position or classification that is within the academic staff bargaining unit or the support staff bargaining unit set out in Schedules 1 and 2;
- (g) “employee organization” means an organization of employees formed for the purpose of regulating relations between the employer and employees under

this Act, but does not include such an organization of employees that discriminates against any employee because of age, sex, race, national origin, colour or religion;

- (h) "employer" means a board of governors of a college of applied arts and technology;
- (i) "lock-out" means the suspension of employment of, or the refusal to assign work to employees by a board with the view to compelling the cessation of a strike or preventing the resumption of a strike or with the view to inducing or persuading the employee organization that represents the employees to enter into or renew an agreement;
- (j) "matters in dispute" means matters in dispute that are within the scope of negotiations under this Act;
- (k) "party" means the Council or an employee organization;
- (l) "person employed in a managerial or confidential capacity" means a person who,
 - (i) is involved in the formulation of organization objectives and policy in relation to the development and administration of programs of the employer or in the formulation of budgets of the employer,
 - (ii) spends a significant portion of his time in the supervision of employees,
 - (iii) is required by reason of his duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee,
 - (iv) is employed in a position confidential to any person described in subclause i, ii or iii,
 - (v) is employed in a confidential capacity in matters relating to employee relations,
 - (vi) is not otherwise described in subclauses i to v but who, in the opinion of the Ontario Labour Relations Board should not be included in a bargaining unit by reason of his duties and responsibilities to the employer;

(*m*) “strike” includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding or any concerted action or activity on the part of employees designed to curtail, restrict, limit or interfere with the operation or functioning of a college or colleges including, without limiting the foregoing,

(i) withdrawal of services,

(ii) slow-down in the performance of duties,

(iii) the giving of notice to terminate employment;

(*n*) “vote by secret ballot” means a vote by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

2.—(1) This Act applies to all collective negotiations concerning terms and conditions of employment of employees. Application of Act

(2) No such collective negotiations shall be carried on except in accordance with this Act. Negotiations to be in accordance with Act

(3) The Council shall have the exclusive responsibility for all negotiations on behalf of employers conducted under this Act. Council to act on behalf of employers

3.—(1) Where negotiations for the renewal of the agreement covering the academic staff bargaining unit are being carried on between the Council and an employee organization immediately before this Act comes into force, the Council and the employee organization shall continue the negotiations in good faith with the view to making an agreement in accordance with this Act and written notice of desire to negotiate with the view to making an agreement shall be deemed to have been given pursuant to this Act. Transitional provision

(2) In the case of the agreement covering the support staff bargaining unit that expires on the 31st day of March, 1976, the employee organization may give written notice to the Council or the Council may give written notice to the employee organization in accordance with the terms of the agreement. Idem, notice

Where notice
not given

(3) Where the notice mentioned in subsection 2 is not given within the period of time provided therein, the agreement mentioned in subsection 2 shall be deemed to be renewed and to continue in force for a further period of one year from the day on which it would have expired.

PART II

NEGOTIATIONS

Subject-
matter of
negotiations

4. Negotiations shall be carried out in respect of any term or condition of employment put forward by either party, except for superannuation.

Notice of
desire to
negotiate for
renewal of
agreement

5.—(1) Either party to an agreement may give written notice to the other party within the month of January in the year in which the agreement expires of its desire to negotiate with the view to the renewal, with or without modification of the agreement then in operation.

Where notice
not given of
desire to
negotiate
renewal of
agreement

(2) Where an agreement exists and no party to the agreement gives notice in accordance with this Act of its desire to negotiate with the view to the renewal of the agreement, the agreement continues in operation and is renewed from year to year, with each yearly period expiring on the 31st day of August, until the year, if any, in which notice is given in accordance with this Act of desire to negotiate with the view to the renewal, with or without modification, of the agreement.

Obligation
to negotiate

6. The parties shall meet within thirty days from the giving of the notice under section 5 or 71 and they shall negotiate in good faith and make every reasonable effort to make an agreement or to renew the agreement, as the case requires.

Parties may
choose
procedures to
reach
agreement

7.—(1) The parties, at any time during negotiations to make or renew an agreement, may agree to,

- (a) request the Commission to assign a person to assist the parties to make or renew the agreement;
- (b) request the Commission to appoint a fact finder as provided in Part III; or
- (c) refer all matters remaining in dispute between them that may be provided for in an agreement to,
 - (i) an arbitrator or a board of arbitration for determination as provided in Part IV, or

- (ii) a selector for determination as provided in Part V.

(2) The agreement to refer all matters remaining in dispute between them to an arbitrator or board of arbitration or a selector shall be deemed to include a provision that there will be no strike or lock-out.

8. The Commission may, in the exercise of its own discretion, at any time assign a person to assist the parties to make or renew an agreement.

Effect of
choice of
procedure

Where
Commission
may assign
person to
assist parties

PART III

FACT FINDING

9. The Commission shall appoint forthwith a person as a fact finder during negotiations to make or renew an agreement if the parties have not referred all matters remaining in dispute between them to an arbitrator or board of arbitration as provided in Part IV or a selector as provided in Part V and,

Appointment
of fact
finder

- (a) one or both of the parties gives notice to the Commission that an impasse has been reached in the negotiations and requests the appointment of a fact finder, and the Commission approves the request;
- (b) the Commission is of the opinion that an impasse has been reached in the negotiations; or
- (c) the agreement that was in operation in respect of the parties expires during negotiations between the parties to make or renew an agreement, and fact finding has not taken place as provided in this Part.

10. The parties to negotiations to make or renew an agreement may, notwithstanding the appointment of a fact finder,

Parties
may proceed
to make
agreement
or to
arbitration
or selection
procedure

- (a) make or renew the agreement; or
- (b) agree to refer all matters remaining in dispute between them to,
 - (i) an arbitrator or a board of arbitration for determination as provided in Part IV, or
 - (ii) a selector for determination as provided in Part V,

and upon the giving of notice to the Commission by the parties that they have so acted, the appointment of the fact finder is terminated.

Effect of
choice of
procedure

11. The agreement to refer all matters remaining in dispute between them to an arbitrator or board of arbitration or a selector shall be deemed to include a provision that there will be no strike or lock-out.

Persons
prohibited as
fact finder

12. No person shall be appointed a fact finder who has a direct pecuniary interest in the matters coming before him or who is acting or has, within the period of six months immediately before the date of his appointment, acted as solicitor, counsel, negotiator, advisor or agent of either of the parties or a board.

Vacancy

13. Where a fact finder ceases to act by reason of withdrawal, death or otherwise before submitting his report to the Commission, the Commission shall appoint another person in his stead and such person shall commence the work of the fact finder *de novo*.

Notice of
appointment
of fact
finder

14. Where the Commission appoints a fact finder, the Commission shall give written notice to each of the parties of the appointment of and the name and address of the fact finder.

Notice of
matters
agreed upon
and matters
in dispute

15.—(1) Within seven days after the receipt of notice from the Commission of the appointment of the fact finder, each party shall give written notice to the fact finder and to the other party setting out all the matters that the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties.

Where
notice
not given

(2) Where a party fails to comply with subsection 1, the fact finder may make a determination of the matters mentioned in subsection 1 and may then proceed pursuant to this Part.

Duty of
fact finder

16.—(1) It is the duty of a fact finder to confer with the parties and to inquire into, ascertain and make a report setting out the matters agreed upon by the parties for inclusion in an agreement and the matters remaining in dispute between the parties.

What report
may contain

(2) A fact finder may, in his report, include his findings in respect of any matter that he considers relevant to the making of an agreement between the parties and recommend terms of settlement of the matters remaining in dispute between the parties.

17. In inquiring into and ascertaining the matters remaining in dispute between the parties, the fact finder may inquire into and consider any matter that the fact finder considers relevant to the making of an agreement between the parties including, without limiting the foregoing,

Matters that may be considered by fact finder

- (a) the conditions of employment in occupations outside the teaching sector;
- (b) the effect of geographic or other local factors on the terms and conditions of employment;
- (c) the cost to the employers of the proposal of either party;
- (d) the interests and welfare of the public.

18. The fact finder shall determine his own procedure under guidelines established by the Commission and, where the fact finder requests information from a party, the party shall, acting in good faith, provide the fact finder with full and complete information.

Procedure of fact finder

19. The fact finder shall submit his report to the Commission within thirty days after the date of his appointment or within such longer period of time as the Commission may direct and the Commission shall forthwith give a copy of the report to each of the parties.

Submission of report of fact finder

20. The report of the fact finder is not binding on the parties but is made for the advice and guidance of the parties and upon receipt of the report the parties shall endeavour, in good faith, to make an agreement or to renew the agreement, as the case may be.

Report not binding

21.—(1) Where the Commission has given a copy of the report of the fact finder to each of the parties and the Commission is of the opinion that the parties will or are likely to benefit from assistance, the Commission may assign a person to assist the parties to make or renew, as the case may be, the agreement.

Assignment of assistance

(2) Where the Commission has given a copy of the report of the fact finder to each of the parties and both of the parties request assistance from the Commission, the Commission shall assign a person to assist the parties to make or renew, as the case may be, the agreement.

Idem

22.—(1) If the parties make or renew, as the case may be, an agreement within fifteen days after the Commission has

Where report confidential

given a copy of the report to each of the parties, the report shall not be made public by the Commission, either of the parties or by any person.

Release of
report

(2) If the parties do not make an agreement, or renew the agreement, as the case may be, within the period of time specified in subsection 1, the Commission shall make public the report of the fact finder.

Deferring of
report

(3) Notwithstanding subsections 1 and 2, where both parties agree and the Commission approves, the Commission may defer making public the report of the fact finder for an additional period of not more than five days.

Parties
may agree
to refer
matters in
dispute

23.—(1) If the parties do not make or renew, as the case may be, an agreement within fifteen days after the Commission has given a copy of the report of the fact finder to each of the parties, the parties may agree to refer all matters in dispute between them that may be provided for in an agreement to,

(a) an arbitrator or a board of arbitration for determination as provided in Part IV; or

(b) a selector for determination as provided in Part V.

Effect of
choice of
procedure

(2) The agreement to refer all matters remaining in dispute between them to an arbitrator or board of arbitration or a selector shall be deemed to include a provision that there will be no strike or lock-out.

PART IV

VOLUNTARY BINDING ARBITRATION

Parties to
give notice to
Commission
where
arbitration
agreed
upon

24.—(1) Where the parties agree to refer all matters remaining in dispute between them that may be provided for in an agreement to an arbitrator or a board of arbitration, the parties shall jointly give written notice to the Commission that they have so agreed and the notice shall state,

(a) that the parties agree to refer the matters to an arbitrator and,

(i) the date of appointment and the name and address of the arbitrator, or

(ii) that the parties have not appointed the arbitrator and that the parties request the Commission to appoint the arbitrator; or

(b) that the parties agree to refer the matters to a board of arbitration and,

- (i) that the parties have each appointed a person as a member of the board of arbitration and shall set out the names and addresses of the two members so appointed, or
- (ii) that both of the parties or one of them, as the case may be, has not appointed a person as a member of the board of arbitration and that the parties request the Commission to appoint the members or member, as the case may be, of the board.

(2) Except as provided in section 50, a party shall not withdraw from arbitration proceedings under this Part after notice is given to the Commission in accordance with subsection 1. Party not to withdraw

(3) Where the parties, in the notice mentioned in subsection 1, request the Commission to appoint the arbitrator or the members or one of the members of the board of arbitration, the Commission shall make the appointment or appointments and shall forthwith thereafter give notice thereof to the parties setting out the name and address of the appointee or the names and addresses of the appointees, as the case may be, together with the date of the appointment or appointments. Where appointments made by Commission

(4) Where the parties agree to refer all matters remaining in dispute between them to a board of arbitration, the two members of the board of arbitration shall, within ten days after the giving of notice of their appointment by the parties or by the Commission, as the case may be, appoint a third person to be chairman of the board of arbitration and the chairman shall forthwith give written notice to the Commission of his appointment. Appointment of chairman by members

(5) Where the two members of the board of arbitration are unable to appoint or to agree on the appointment of the chairman of the board of arbitration within the period of time set out in subsection 4, the Commission shall appoint the chairman and shall give notice of the appointment to the two members and to the parties and the notice shall set out the name and address of the person appointed and the date of the appointment. Where Commission to appoint chairman

25. No person shall be appointed an arbitrator or member or chairman of a board of arbitration who has a direct pecuniary interest in the matters coming before him or who is acting or has, within the period of six months immediately before the date of his appointment, acted as solicitor, counsel, negotiator, advisor or agent of either of the parties or a board. Persons prohibited as arbitrator or members or chairman of board of arbitration

Vacancy

26.—(1) Where a member of a board of arbitration is unable to enter on or to carry on his duties so as to enable a decision to be rendered within the period of time required by subsection 2 or ceases to act by reason of withdrawal or death before the board of arbitration has completed its work, a replacement shall be appointed by the party that appointed the member, or failing such appointment, by the Commission and the board of arbitration shall continue to function as if such member were a member of the board of arbitration from the beginning.

Where
chairman
unable to act

(2) Where the chairman of a board of arbitration is unable to enter on or to carry on his duties so as to enable a decision to be rendered within sixty days after his appointment or within such longer period of time as may be provided in writing by the board of arbitration and consented to by the Commission or ceases to act by reason of withdrawal or death, the Commission shall give notice thereof to the members of the board of arbitration who shall, within seven days of the giving of the notice, appoint a person to be the chairman and if the appointment is not so made by the members it shall be made by the Commission, and after the chairman is appointed the arbitration shall begin *de novo*.

Where
arbitrator
unable to
act

(3) Where an arbitrator is unable to enter on or to carry on his duties so as to enable a decision to be rendered within sixty days after his appointment or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission or ceases to act by reason of withdrawal or death, the Commission shall give notice thereof to the parties who shall, within seven days of the giving of the notice, appoint a person to be the arbitrator and if the appointment is not so made it shall be made by the Commission and after the arbitrator is appointed the arbitration shall begin *de novo*.

Notice of
matters
agreed upon
and matters
in dispute

27. Within seven days after the giving of notice that the arbitrator or the chairman of the board of arbitration, as the case may be, has been appointed, each party shall give written notice to the arbitrator or chairman and to the other party setting out all the matters that the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties.

Procedure

28.—(1) The arbitrator or board of arbitration shall determine his or its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(2) If the members of a board of arbitration are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

(3) The decision of a majority of a board of arbitration ^{Decision} is the decision of the board, but if there is no majority, the decision of the chairman is the decision of the board.

29.—(1) The arbitrator or board of arbitration has power, ^{Powers of arbitrator or board of arbitration}

(a) to summon any person,

(i) to give oral or written evidence on oath or affirmation to the arbitrator or board of arbitration, or

(ii) to produce in evidence for the arbitrator or board of arbitration such documents and other things as the arbitrator or board of arbitration may specify;

(b) to administer oaths and affirmations;

(c) to accept for or exclude from consideration any oral testimony, document or other thing, whether admissible in a court of law or not.

(2) Where any person without lawful excuse,

(a) on being duly summoned under subsection 1 as a witness before the arbitrator or board of arbitration, as the case may be, makes default in so attending;

^{Stated case for contempt for failure to attend, etc.}

(b) being in attendance as a witness before the arbitrator or board of arbitration, as the case may be, refuses to take an oath or to make an affirmation legally required by the arbitrator or board of arbitration to be taken or made, or to produce any document or thing in his power or control legally required by the arbitrator or board of arbitration to be produced to him or it, or to answer any question to which the arbitrator or board of arbitration may legally require an answer; or

(c) does any other thing that would, if the arbitrator or board of arbitration had been a court of law having power to commit for contempt, have been contempt of that court,

the arbitrator or board of arbitration may state a case to the Divisional Court setting out the facts and that court may, on the application of the arbitrator or board of arbitration, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person

and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Duty of arbitrator or board of arbitration

30.—(1) The arbitrator or board of arbitration shall inquire into, consider and decide on all matters remaining in dispute between the parties.

Matters that may be considered by arbitrator or board of arbitration

(2) In the conduct of proceedings before him or it and in reaching a decision in respect of a matter in dispute, the arbitrator or board of arbitration may inquire into and consider any matter that the arbitrator or board of arbitration considers relevant to the making of an agreement between the parties.

Time for report of arbitrator or board of arbitration

31.—(1) The arbitrator or board of arbitration shall complete the consideration of all matters in dispute between the parties and shall report in writing his or its decision on the matters to the parties and to the Commission within sixty days after the giving of notice of the appointment of the arbitrator or of the appointment of the chairman of the board of arbitration, as the case may be, or within such longer period of time as may be provided in writing by the arbitrator or board of arbitration and consented to by the Commission.

Effect of decision

(2) The decision of the arbitrator or board of arbitration is binding upon the parties and they shall comply in good faith with the decision.

Reference back to arbitrator or board of arbitration

(3) The arbitrator or board of arbitration may, upon application by either party to a decision within ten days after the release of the decision, subject to affording the parties the opportunity to make representations thereupon to the arbitrator or board of arbitration amend, alter or vary the decision where it is shown to the satisfaction of the arbitrator or board of arbitration that it has failed to deal with any matter in dispute referred to it or that an error is apparent on the face of the decision.

Preparation and execution of documents

32.—(1) Within thirty days after receipt by the parties of the report of the arbitrator or board of arbitration, as the case may be, the parties shall prepare a document giving effect to all matters agreed upon by the parties and the decision of the arbitrator or board of arbitration and shall execute the document and thereupon it constitutes an agreement.

Where arbitrator or board of arbitration to prepare document

(2) If the parties fail to execute the document within the period of time mentioned in subsection 1, the arbitrator or

board of arbitration, as the case may be, shall prepare the document and submit it to the parties and shall fix the time within which and the place where the parties shall execute the document.

(3) If the parties or either of them fail to execute the document within the time fixed by the arbitrator or the board of arbitration, the document shall be deemed to be in effect as though it had been executed by the parties and the document thereupon constitutes an agreement. Failure to execute document

PART V

FINAL OFFER SELECTION

33.—(1) Where the parties agree to refer all matters remaining in dispute between them that may be provided for in an agreement to a selector, the parties shall jointly give written notice to the Commission that they have so agreed and the notice shall state that the parties agree to refer the matters to a selector and, Parties to give notice to Commission where selection agreed upon

(a) the date of appointment and the name and address of the selector; or

(b) that the parties have not appointed the selector and that the parties request the Commission to appoint the selector.

(2) The parties shall, together with the notice mentioned in subsection 1, give to the Commission a written statement signed by the parties setting out that neither party will withdraw from the proceedings after the final offers of the parties have been submitted to the selector and that the decision of the selector will be accepted by the parties as binding upon them. Statement by parties

(3) Except as provided in section 50, where the parties give to the Commission a written statement in accordance with subsection 2, a party shall not withdraw from the proceedings after the final offer of either of the parties has been submitted to the selector. Party not to withdraw

(4) Where the parties request the Commission to appoint the selector, the Commission shall make the appointment and give notice of the appointment of the selector to the parties and the notice shall set out the name and address of the person appointed and the date of the appointment. Where Commission appoints selector

34. No person shall be appointed a selector who has a direct pecuniary interest in the matters coming before him or who is acting or has, within the period of six months immediately before the date of his appointment, acted as solicitor, counsel, negotiator, advisor or agent of either of the parties or a board. Persons prohibited as selector

Selector
unable to
act

35. Where a selector is unable to enter on or to carry on his duties so as to enable a decision to be rendered within the time specified by this Act or such longer period of time as may be provided in writing by the selector and consented to by the Commission or ceases to act by reason of withdrawal or death, the Commission shall give notice thereof to the parties who shall, within seven days of the giving of the notice, appoint a person to be the selector, and if the appointment is not so made by the parties it shall be made by the Commission, and after the selector is appointed, the selection procedure shall begin *de novo*.

Notice of
matters
agreed upon
and matters
in dispute

36. Within seven days after the giving of notice that the selector has been appointed, the parties shall jointly give written notice to the selector setting out all the matters that the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties.

Notice of
final offer

37. Within fifteen days after the giving of notice that the selector has been appointed, each party shall give written notice to the selector setting out the final offer of the party on all the matters remaining in dispute between the parties and may submit with the notice a written statement in support of the final offer set out in the notice.

Final offer of
opposite
party

38. Upon receiving the notices of the parties setting out the final offer of each party, the selector shall forthwith give to each party a copy of the notice setting out the final offer of the opposite party on all the matters remaining in dispute between the parties together with a copy of the statement, if any, of the opposite party submitted in support of the final offer of the opposite party.

Written
response

39. Each party may, within ten days after being given a copy of the final offer and supporting statement, if any, of the opposite party, give to the selector a written reply and the selector shall forthwith give a copy of the reply of each party to the opposite party.

Hearing

40. Within fifteen days after each party has been given a copy of the final offer and supporting statement, if any, of the opposite party, or within such longer period of time as may be provided in writing by the selector and consented to by the Commission, the selector shall hold a hearing in respect of the matters remaining in dispute between the parties and may, before making a selection, hold a further hearing or hearings.

41. The parties may agree to dispense with a hearing by the selector and in such case may jointly give written notice to the selector that they have so agreed, and the selector, upon receipt of the notice, shall not hold a hearing but shall proceed to his decision. Parties may dispense with hearing

42.—(1) The selector shall determine his own procedure but, in holding a hearing, shall give full opportunity to the parties to present their evidence and make their submissions. Procedure

(2) The selector has power,

Powers of selector

(a) to summon any person,

(i) to give oral or written evidence on oath or affirmation to the selector, or

(ii) to produce in evidence for the selector such documents and other things as the selector may specify;

(b) to administer oaths and affirmations;

(c) to accept for or exclude from consideration any oral testimony, document or other thing, whether admissible in a court of law or not.

(3) Where any person without lawful excuse,

Contempt proceedings

(a) on being duly summoned under subsection 2 as a witness before the selector makes default in so attending;

(b) being in attendance as a witness before the selector refuses to take an oath or to make an affirmation legally required by the selector to be taken or made, or to produce any document or thing in his power or control legally required by the selector to be produced to him, or to answer any question to which the selector may legally require an answer; or

(c) does any other thing that would, if the selector had been a court of law having power to commit for contempt, have been contempt of that court,

the selector may state a case to the Divisional Court setting out the facts and that court may, on the application of the selector, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be

offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Selection
of final
offer

43. The selector shall, within fifteen days after the conclusion of the hearing or hearings or within fifteen days after the giving of the notice by the parties that they have agreed to dispense with a hearing, as the case may be, or within such longer period of time as may be provided in writing by the selector and consented to by the Commission, make a decision selecting all of one of the final offers on all matters remaining in dispute between the parties given to the selector by one or the other of the parties.

Effect of
decision

44. The decision of the selector is binding upon the parties and they shall comply in good faith with the decision.

Preparation
and
execution of
document by
parties

45.—(1) Within thirty days after receipt of notice of the decision of the selector, the parties shall prepare a document giving effect to all matters agreed upon by the parties and the decision of the selector and shall execute the document and thereupon it constitutes an agreement.

Where
selector to
prepare
document

(2) If the parties fail to execute the document within the period of time mentioned in subsection 1, the selector shall prepare the document and submit it to the parties and shall fix the time within which and the place where the parties shall execute the document.

Failure to
execute
document

(3) If the parties or either of them fail to execute the document within the time fixed by the selector, the document shall be deemed to be in effect as though it had been executed by the parties and the document thereupon constitutes an agreement.

PART VI

AGREEMENTS

Term of
agreement

46.—(1) Every agreement shall,

- (a) provide for a term of operation of not less than one year;
- (b) state that it is effective on and after the 1st day of September in the year in which it is to come into operation; and
- (c) state that it expires on the 31st day of August in the year in which it ceases to operate.

(2) Notwithstanding clause *b* of subsection 1, an agree-^{Exception}ment covering the support staff bargaining unit that expires on the 31st day of March, 1976, may be renewed effective the 1st day of April, 1976.

47.—(1) Every agreement shall provide for the final and^{Arbitration provision} binding settlement by arbitration of all differences between an employer and the employee organization arising from the interpretation, application, administration or alleged contravention of the agreement including any question as to whether a matter is arbitrable.

(2) Unless an agreement otherwise provides for the final^{Idem} and binding settlement of all differences between an employer and the employee organization arising from the interpretation, application, administration or alleged contravention of the agreement, the agreement is deemed to include the following provision:

Where a difference arises between an employer and the employee organization relating to the interpretation, application or administration of this agreement, or where an allegation is made that this agreement has been contravened, including any question as to whether the matter is arbitrable, either the employer or the employee organization may, after exhausting any grievance procedure established by this agreement, notify the other in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of its appointee to an arbitration board. The recipient of the notice shall within five days inform the other either that it accepts the other's appointee as a single arbitrator or inform the other of the name of its appointee to the arbitration board. Where two appointees are so selected they shall, within five days of the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Commission upon the request of either the employer or the employee organization. The single arbitrator or the arbitration board, as the case may be, shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the employer and the employee organization and upon any employee affected by it. The decision of a majority is the decision of the arbitration board, but, if there is no majority, the decision of the chairman governs. The arbitrator or arbitration board, as the case may be,

shall not by his or its decision add to, delete from, modify or otherwise amend the provisions of this agreement.

Powers of arbitrator or board of arbitration

(3) An arbitrator or chairman of an arbitration board, as the case may be, referred to in this section, has the same powers as an arbitrator or board of arbitration under subsection 1 of section 29.

Penalty where employee disciplined, etc.

(4) Where an arbitrator or board of arbitration referred to in this section determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty for the discipline or dismissal as it considers just and reasonable in all the circumstances.

Decision

(5) The decision of an arbitrator or of an arbitration board is final and binding upon the employer, employee organization and upon the employees covered by the agreement who are affected by the decision, and such employer, employee organization and employees shall do or refrain from doing anything required of them by the decision.

Enforcement

(6) Where an employer, employee organization or an employee has failed to comply with any of the terms of the decision of an arbitrator or arbitration board, any employer, employee organization or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the prescribed form, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Remuneration and expenses

(7) The employer and employee organization shall each pay one-half the remuneration and expenses of the arbitrator or chairman of the board of arbitration referred to in this section and shall pay the remuneration and expenses of the person it appoints to such an arbitration board.

Application of R.S.O. 1970, c. 25, 1971, c. 47

(8) *The Arbitrations Act* and *The Statutory Powers Procedure Act, 1971* do not apply to arbitration proceedings under this section.

Provision against strikes and lock-outs

48.—(1) Every agreement shall provide that there will be no strike or lock-out during the term of the agreement or of any renewal of the agreement.

Statutory provision

(2) If an agreement does not contain the provision mentioned in subsection 1, the agreement shall be deemed to contain the following provision:

“There shall be no strike or lock-out during the term of this agreement or of any renewal of this agreement”.

49.—(1) No agreement, decision of an arbitrator, board of arbitration or selector shall contain any term that would require either directly or indirectly for its implementation the enactment or amendment of legislation. Agreement not to require legislative implementation

(2) Where a conflict appears between any provision of an agreement and any provision of any legislation, the provision of the legislation prevails. Conflict

50. Where the parties agree on all the matters to be included in an agreement, whether during or at the conclusion of negotiations or other proceedings under this Act, they shall prepare a document incorporating all the matters agreed upon and shall execute the document and the document thereupon constitutes an agreement. Where agreement reached

51. Upon the execution of an agreement, each party to the agreement shall forthwith give written notice thereof, together with a copy of the agreement, to the Commission. Notice to Commission of execution of agreement

52.—(1) An agreement is binding upon the Council, the employers and the employee organization that is a party to it and upon the employees in the bargaining unit covered by the agreement. Binding effect of agreement

(2) Subsection 1 applies to the agreement covering the academic staff bargaining unit and the agreement covering the support staff bargaining unit in operation upon the coming into force of this Act. Idem

53. Every agreement shall be deemed to provide that the employee organization that is a party thereto is recognized as the exclusive bargaining agent for the bargaining unit to which the agreement applies. Recognition provision

54.—(1) The parties to an agreement may provide for the payment by the employees of dues or contributions to the employee organization. Payment of dues to employee organization

(2) Where the Ontario Labour Relations Board is satisfied that an employee because of his religious convictions or belief objects to paying dues or contributions to an employee organization, the Ontario Labour Relations Board shall order that the provisions of the agreement pertaining thereto do not apply to such employee and that the employee is not required to pay dues or contributions to the employee Where objection to dues because of religious belief

organization, provided that amounts equivalent thereto are remitted by the employer to a charitable organization mutually agreed upon by the employer and the employee organization and failing such agreement then to such charitable organization registered as such under Part I of the *Income Tax Act* (Canada) as may be designated by the Ontario Labour Relations Board.

1970-71,
c. 63 (Can.)

Requiring
membership
in employee
organization
prohibited

(3) No agreement shall contain a provision which would require, as a condition of employment, membership in the employee organization.

Working
conditions
may not be
altered

55.—(1) Where notice has been given by either party to an agreement under section 5, except as altered by an agreement in writing by the parties, the terms and provisions of the agreement then in operation shall continue to operate until there is a right to strike or lock-out as provided in this Act.

Idem

(2) Where notice has been given by the employee organization under section 71, the conditions then in effect applicable to or binding upon the Council, the employer, the employee organization or the employees which are subject to negotiations within the meaning of this Act shall not be altered without the consent of the Council, the employer, the employee organization or the employees, as the case may be, until there is a right to strike or lock-out as provided in this Act.

PART VII

COLLEGE RELATIONS COMMISSION

Commission
established

56.—(1) There shall be a commission to be known as the College Relations Commission composed of five persons who shall be appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman from among the members of the Commission.

Acting
chairman

(3) In the case of the absence or inability to act of the chairman or of there being a vacancy in the office of the chairman, the vice-chairman shall act as and have all the powers of the chairman, and, in the absence of the chairman and vice-chairman from any meeting of the Commission, the members of the Commission present at the meeting shall appoint an acting chairman who shall act as and have all the powers of the chairman during the meeting.

(4) The members of the Commission shall be appointed ^{Term of office} for a term of one, two or three years so that as nearly as possible one-third of the members shall retire each year.

(5) Every vacancy on the Commission caused by the ^{Vacancy} death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

(6) Each of the members of the Commission is eligible ^{Re-appointment} for reappointment upon the expiration of his term of office.

(7) Three members of the Commission constitute a quorum ^{Quorum} and are sufficient for the exercise of all the authority of the Commission.

(8) The powers of the Commission shall be exercised by ^{Exercising powers} resolution and the Commission may pass resolutions governing the calling of and the proceedings at meetings and specifying the powers and duties of employees of the Commission and generally dealing with the carrying out of its duties.

(9) The members of the Commission shall be paid such ^{Remuneration} remuneration and expenses as are determined by the Lieutenant Governor in Council.

(10) Subject to the approval of the Lieutenant Governor ^{Officers, staff, etc.} in Council, the Commission may,

(a) establish job classifications, salary ranges and terms and conditions of employment for its employees; and

(b) appoint and pay such employees as are considered proper.

(11) *The Public Service Superannuation Act* applies to the ^{R.S.O. 1970, c. 387, applicable} permanent employees of the Commission as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

(12) The Commission may engage persons other than ^{Professional and other assistance} those employed pursuant to subsection 10 to provide professional, technical or other assistance to or on behalf of the Commission, and may prescribe the terms of engagement and provide for payment of the remuneration and expenses of such persons.

Duties of
Commission

57.—(1) It is the duty of the Commission,

- (a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- (b) to maintain an awareness of negotiations between the parties;
- (c) to compile statistical information on the supply, distribution, professional activities and salaries of employees;
- (d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- (e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors;
- (f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- (g) to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act; and
- (h) to advise the Lieutenant Governor in Council when, in the opinion of the Commission, the continuance of a strike, lock-out or closing of a college or colleges will place in jeopardy the successful completion of courses of study by the students affected by the strike, lock-out or closing of the college or colleges.

Provision
of
information

(2) The Commission may request an employer to provide information necessary to compile the statistical information referred to in clause *c* of subsection 1 and an employer shall comply with such a request within a reasonable period of time.

Annual
report

(3) The Commission shall annually prepare a report on the affairs of the Commission for the preceding year and the report shall be tabled in the Legislature.

58. No member of, or person employed or engaged by, the Commission shall be required to give testimony in any proceeding under this Act or before a court or tribunal with regard to information obtained by him in the discharge of his duties as a member of or person employed or engaged by the Commission. Testimony by
member of
Commission

59. The moneys required for the purposes of the Commission shall, until the 31st day of March, 1976, and, subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

PART VIII

STRIKES AND LOCK-OUTS

60.—(1) No employee shall strike unless,

Strike

- (a) there is no agreement in operation between the Council and the employee organization that represents the employee;
- (b) notice of desire to negotiate to make or renew an agreement has been given by either party;
- (c) all the matters remaining in dispute between the Council and the employee organization that represents the employee have been referred to a fact finder and fifteen days have elapsed after the Commission has made public the report of the fact finder;
- (d) the offer of the Council in respect of all matters remaining in dispute between the parties last received by the employee organization that represents the employee is submitted to and rejected by the employees in the bargaining unit by a vote by secret ballot conducted under the supervision of and in the manner determined by the Commission;
- (e) the employees in the bargaining unit have voted, not earlier than the vote referred to in clause *d* and not before the end of the fifteen-day period referred to in clause *c*, in favour of a strike by a vote by secret ballot conducted under the supervision of and in the manner determined by the Commission; and

- (f) after a vote in favour of a strike in accordance with clause *e*, the employee organization that represents the employee gives the Council and the employer written notice of the strike and of the date on which the strike will commence at least five days before the commencement of the strike.

Interim provision

- (2) Where an agreement is in operation upon the coming into force of this Act pursuant to section 52, no employee shall strike unless the requirements of subsection 1 are complied with.

Where employees deemed to take part in strike

- (3) Where the employee organization gives notice of a lawful strike, all employees in the bargaining unit concerned shall be deemed to be taking part in the strike from the date on which the strike is to commence, as set out in the written notice, to the date on which the employee organization gives written notice to the Council and the employer that the strike is ended, and no employee shall be paid salary or benefits during such period.

Resumption of strike

- (4) Where a strike is ended without an agreement coming into effect, no employee shall resume striking or engage in a new strike except after the provisions of clauses *d*, *e* and *f* of subsection 1 have again been complied with in respect of such resumption or new strike.

Unlawful strike

- 61.**—(1) No employee organization shall call or authorize or threaten to call or authorize an unlawful strike.

Idem

- (2) No officer, official, or agent of an employee organization shall counsel, procure, support or encourage an unlawful strike or threaten an unlawful strike.

Unlawful lock-out

- 62.**—(1) The Council shall not and no employer shall call or authorize or threaten to call or authorize an unlawful lock-out.

Idem

- (2) No officer, official, or agent of the Council or of an employer shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out.

Declaration of unlawful strike

- 63.**—(1) Where the employee organization calls or authorizes a strike or employees engage in a strike that the Council or an employer alleges is unlawful, the Council or the employer may apply to the Ontario Labour Relations Board for a declaration that the strike is unlawful, and the Board may make the declaration.

Declaration of unlawful lock-out

- (2) Where the Council or employer calls or authorizes a lock-out of employees that the employee organization con-

cerned alleges is unlawful, such employee organization may apply to the Ontario Labour Relations Board for a declaration that the lock-out is unlawful, and the Board may make the declaration.

(3) Where the Ontario Labour Relations Board makes a declaration under subsection 1 or 2, the Board in its discretion may, in addition, direct what action if any a person, employee, employee organization, Council or employer and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or unlawful lock-out. ^{Direction by O.L.R.B.}

(4) The Ontario Labour Relations Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under subsection 3, exclusive of the reasons therefor, whereupon the direction shall be entered in the same way as a judgment or order of the court and is enforceable as such. ^{Enforcement of direction by S.C.O.}

64.—(1) No employer shall lock-out employees unless, ^{Lock-out}

- (a) there is no agreement in operation between the Council and the employee organization that represents the employees;
- (b) notice of desire to negotiate or make or renew an agreement has been given by the Council to the employee organization that represents the employees or by the employee organization that represents the employees to the Council and the Council has negotiated in good faith and made every reasonable effort to make or renew an agreement;
- (c) all the matters remaining in dispute between the Council and the employee organization that represents the employees have been referred to a fact finder and thirty days have elapsed after the Commission has given a copy of the report of the fact finder to each of the parties;
- (d) the Council on behalf of all employers gives the employee organization that represents the employees written notice of the lock-out and of the date on which the lock-out will commence at least five days before the commencement of the lock-out.

(2) Where a lawful strike is declared or authorized or employees engage in a lawful strike, the employer may, with the approval of the Council, close a college or any part thereof where the employer is of the opinion that, ^{Closing of college}

- (a) the safety of students enrolled in the college may be endangered;
- (b) the college buildings or the equipment or supplies therein may not be adequately protected during the strike; or
- (c) the strike will substantially interfere with the operation of the college,

and may keep the college or any part thereof closed until the employee organization that called or authorized the strike or that represents the employees engaged in the strike gives written notice to the Council and the employer that the strike is ended.

Where
lock-out
deemed

(3) Where the Council gives notice of a lawful lock-out, all employers shall be deemed to be taking part in the lock-out from the date on which the lock-out is to commence set out in the written notice and an employee in the bargaining unit concerned is not entitled to be paid his salary and benefits in respect of the days on which he is prevented from performing his duty as the result of action by an employer pursuant to subsection 1 or 2.

Continua-
tion of
employment

65. For the purposes of this Act, no person shall be deemed to have ceased to be an employee by reason only of his ceasing to work for his employer as the result of a lawful lock-out or lawful strike or by reason only of his being dismissed by his employer contrary to this Act or to a collective agreement.

PART IX

REPRESENTATION RIGHTS

Membership
in employee
organization

66. Every person is free to join an employee organization of his own choice and to participate in its lawful activities.

Application
for
bargaining
rights

67.—(1) Where an agreement is for a term of not more than three years, an employee organization may apply to the Ontario Labour Relations Board for bargaining rights as bargaining agent of the employees in the bargaining unit only during the month of December immediately prior to the termination date of the agreement.

Idem

(2) Where an agreement is for a term of more than three years, an employee organization may apply to the Ontario

Labour Relations Board for bargaining rights as bargaining agent of the employees in the bargaining unit only during the month of December,

- (a) in the third year of operation of the agreement; or
- (b) in each year of operation of the agreement after the third year.

68.—(1) The bargaining units set out in the Schedules are the units for collective bargaining purposes under this Act. Bargaining units

(2) The employee organization that is party to the agreement covering the academic staff bargaining unit or the support staff bargaining unit upon the coming into force of this Act shall be deemed to have been granted bargaining rights in relation to such bargaining unit upon the coming into force of this Act. Employee organization that has bargaining rights

69.—(1) Upon an application for bargaining rights by an employee organization claiming not less than 35 per cent of the employees in the appropriate bargaining unit as members, the Ontario Labour Relations Board upon satisfying itself that not less than 35 per cent of such employees are members of the employee organization shall direct that a representation vote be taken. Representation vote

(2) If, on the taking of a representation vote, more than 50 per cent of the ballots cast are in favour of the employee organization, the Ontario Labour Relations Board shall grant bargaining rights to the employee organization as the bargaining agent of the employees in the bargaining unit. Bargaining rights

70. The Ontario Labour Relations Board shall not grant bargaining rights to any employee organization in the formation or administration of which there has been or is, in the opinion of the Ontario Labour Relations Board, participation by the Council, or an employer or any person acting on behalf of the Council or an employer of such a nature as to impair the employee organization's fitness to represent the interest of employees in the bargaining unit. Where participation by Council or employer

71. Upon being granted bargaining rights under section 69, the employee organization may give the Council written notice of its desire to negotiate with a view to making an agreement. Notice of desire to negotiate

72.—(1) If an employee organization does not enter into an agreement with the Council within one year after being granted bargaining rights or fails to give notice of its Application for termination of representation rights

intention to bargain as provided under section 71 and no such notice has been given by the Council, the Council or any employee in the bargaining unit concerned may apply to the Ontario Labour Relations Board for a declaration that the employee organization no longer represents the employees in the bargaining unit.

Idem

(2) Any employee in the bargaining unit covered by an agreement may apply to the Ontario Labour Relations Board for a declaration that the employee organization no longer represents the employees in the bargaining unit only during the month of December immediately prior to the termination date of the agreement.

Representa-
tion vote

(3) Upon the application under subsection 2, the Ontario Labour Relations Board shall ascertain the number of employees in the bargaining unit at the time the application was made and if a majority of the employees in the bargaining unit have voluntarily signified in writing that they no longer wish to be represented by the employee organization, the Ontario Labour Relations Board shall conduct a representation vote to determine whether or not the employees desire that the right of the employee organization to bargain on their behalf be terminated.

Result of
vote

(4) If, on the taking of the representation vote, more than 50 per cent of the ballots cast are in opposition to the employee organization, the Ontario Labour Relations Board shall declare that the employee organization that was granted bargaining rights or that was or is a party to the agreement, as the case may be, no longer represents the employees in the bargaining unit.

Effect of
termination

(5) Upon the Ontario Labour Relations Board declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any agreement in operation between the employee organization and the Council that is binding upon the employees in the bargaining unit ceases to operate and any decision of an arbitrator, board of arbitration or selector applying to the bargaining unit ceases to have effect.

Termination
of rights
where
employee
organization
desires or
has ceased
to act

73.—(1) Where the Ontario Labour Relations Board is advised by an employee organization that it wishes to be released of its representation rights in respect of a bargaining unit or where the Ontario Labour Relations Board, upon application by the employer or any employee in a bargaining unit represented by an employee organization, determines that the employee organization has ceased to act

on behalf of the employees, the Ontario Labour Relations Board shall declare that the employee organization no longer represents the employees in the bargaining unit.

(2) Where the Ontario Labour Relations Board is satisfied that an employee organization has obtained representation rights in respect of a bargaining unit by fraud, the Ontario Labour Relations Board shall declare that the employee organization no longer represents the employees in the bargaining unit. Where rights obtained by fraud

(3) Upon the Ontario Labour Relations Board declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such bargaining rights and any agreement in operation between the employee organization and the Council that is binding upon the employees in the bargaining unit ceases to operate and any decision made by an arbitrator, board of arbitration or selector, applying to the bargaining unit ceases to have effect. Effect of termination

74. No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization, except as the Council and an employee organization may otherwise agree. Persuasion at place of work

75. Nothing in this Act prohibits any suspension or discontinuance for cause of an employer's operations or the quitting of employment for cause if the suspension, discontinuance or quitting does not constitute a lock-out or strike. Suspension or quitting for cause

76.—(1) No person who is acting on behalf of the Council or an employer shall participate in or interfere with the selection, formation or administration of an employee organization or the representation of employees by such an organization, but nothing in this section shall be deemed to deprive the Council or an employer or any person acting on behalf of the Council or an employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises or undue influence. Interference with employee organization prohibited

(2) The Council, an employer or any person acting on behalf of an employer shall not, Interference with employees rights prohibited

- (a) refuse to employ or to continue to employ or discriminate against a person with regard to employment or any term or condition of employment because the person is exercising any right under this Act or is or is not a member of an employee organization;

- (b) impose any condition on an appointment or in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization or exercising any right under this Act;
- (c) seek by intimidation, by threat of dismissal or by any other kind of threat or by the imposition of a pecuniary or any other penalty or by any other means to compel an employee to become or refrain from becoming or to continue or cease to be a member of an employee organization, or to refrain from exercising any other right under this Act,

but no person shall be deemed to have contravened this subsection by reason of any act or thing done or omitted in relation to a person employed in a managerial or confidential capacity.

Intimidation
and
coercion

(3) No person or employee organization shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of an employee organization or to refrain from exercising any other rights under this Act or from performing any obligations under this Act.

Duty of fair
represent-
ation

77. An employee organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees, whether members of the employee organization or not.

Inquiry by
investigator

78.—(1) The Ontario Labour Relations Board may appoint an investigator with authority to inquire into a complaint that,

- (a) a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment;
- (b) a person has been suspended, expelled or penalized in any way contrary to section 80;
- (c) an employee organization, employer or any person or persons has acted in any way contrary to section 77 or 81.

Duties

(2) The investigator shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter.

(3) The investigator shall report the results of his inquiry^{Report} and endeavours to the Ontario Labour Relations Board.

(4) Where an investigator is unable to effect a settle-^{Inquiry by Board}ment of the matter or where the Ontario Labour Relations Board in its discretion considers it advisable to dispense with an inquiry by an investigator, the Ontario Labour Relations Board may inquire into the complaint and,

- (a) if the Ontario Labour Relations Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by the Council, employer or by any person or employee organization it shall determine what, if anything, the Council, employer, person or employee organization shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits for which compensation may be assessed against the Council, employer, person or employee organization, jointly or severally, and the Council, employer, person or employee organization shall, notwithstanding the provisions of any agreement, do or abstain from doing anything required of them or any of them by the determination;
- (b) if the Ontario Labour Relations Board is satisfied that the person concerned has been suspended, expelled or penalized in any way contrary to section 80 it shall so declare and thereupon the suspension, expulsion or penalty is void; or
- (c) if the Ontario Labour Relations Board is satisfied that the employee organization, Council, employer, person or employee concerned has acted contrary to section 77 or 81, it shall determine what, if anything, the employee organization, Council, employer, person or employee shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the employee organization, Council, employer, person or employee shall, notwithstanding the provisions of any agreement, do or abstain from doing anything required of them or it.

Effect of
settlement

(5) Where the matter complained of has been settled, whether through the endeavours of the investigator or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the employee organization, Council, employer, person or employee who have agreed to the settlement and shall be complied with according to its terms and a complaint that the employee organization, Council, employer, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1, as the case may be.

Records of
employee
organization

(6) The records of an employee organization relating to membership or any records that may disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization produced in a proceeding before the Ontario Labour Relations Board is for the exclusive use of the Ontario Labour Relations Board and its officers and shall not, except with the consent of the Ontario Labour Relations Board, be disclosed and no person shall, except with the consent of the Ontario Labour Relations Board be compelled to disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization.

Causing
unlawful
strikes

79. No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will take any action contrary to section 60.

Refusal to
engage in
unlawful
strike

80. No employee organization shall suspend, expel or penalize in any way a member because he has refused to engage in or to continue to engage in any action contrary to section 60.

Protection
of witnesses
rights

81.—(1) The Council or an employer or any person acting on behalf of the Council or an employer shall not,

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;
- (c) discriminate against a person in regard to employment or a term or condition of employment; or
- (d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

(2) No employee organization or person acting on behalf ^{Idem} of an employee organization shall,

- (a) discriminate against a person in regard to employment or a term or condition of employment; or
- (b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

82. If, in the course of bargaining for an agreement or during the period of operation of an agreement, a question arises as to whether a person is an employee, including a question as to whether a person employed as a chairman, department head, director, foreman or supervisor is employed in a managerial or confidential capacity pursuant to clause 1 of section 1 and the schedules, the question may be referred to the Ontario Labour Relations Board and its decision thereon is final and binding for all purposes. ^{Whether person employee}

83.—(1) The Ontario Labour Relations Board shall exercise such powers and perform such duties as are conferred upon it by this Act and has power, ^{Powers of Ontario Labour relations Board}

- (a) to enter any premises of an employer where work is being or has been done by the employees or in which an employer carries on business and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;
- (b) to enter upon the premises of an employer and conduct representation votes during working hours and give such directions in connection with the vote as it considers necessary;

- (c) to authorize any person to do anything that the Ontario Labour Relations Board may do under clauses *a* and *b* and to report to the Ontario Labour Relations Board thereon;
- (d) to determine the form in which and the time as of which evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be presented to the Ontario Labour Relations Board on an application for representation rights or for a declaration terminating representation rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined; and
- (e) to administer oaths and affirmations.

Decisions

(2) The decision of the majority of the members of the Ontario Labour Relations Board present and constituting a quorum is the decision of the Ontario Labour Relations Board, but, if there is no majority, the decision of the chairman or vice-chairman governs.

Practice and procedure, etc.

(3) The Ontario Labour Relations Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Ontario Labour Relations Board may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.

PART X

MISCELLANEOUS

Copies of notices to be given to Commission

84. Where, under this Act, a party is required to give notice to another party, the party giving the notice shall also within the same time limit, if any, give a copy of the notice to the Commission.

Decisions, etc., of Commission and others not subject to review

85.—(1) No decision, order, determination, direction, declaration or ruling of the Commission, a fact finder, an arbitrator or board of arbitration, a selector or the Ontario Labour Relations Board shall be questioned or reviewed in any court, and no order shall be made or process entered, or proceedings taken in any court, whether by way of injunction, declaratory judgment, certiorari, mandamus,

prohibition, quo warranto, application for judicial review or otherwise, to question, review, prohibit or restrain the Commission, fact finder, arbitrator or board of arbitration, selector or the Ontario Labour Relations Board or the proceedings of any of them.

(2) No proceedings under this Act are invalid by reason of any defect of form or any technical irregularity and no such proceedings shall be quashed or set aside if no substantial wrong or miscarriage of justice has occurred. Defects in form, technical irregularities

86. Any notice or document required or authorized by this Act to be given shall, Service of notice

- (a) where it is to be given to the Commission, be delivered to the office of the Commission;
- (b) where it is to be given to the Council or an employer, be delivered to the office of the Council or the employer, as the case may require;
- (c) where it is to be given to an employee organization, be delivered to an officer of the employee organization;
- (d) where it is to be given to an arbitrator or selector, be delivered to the arbitrator or selector; and
- (e) where it is to be given to a board of arbitration, be delivered to the chairman.

87.—(1) The expenditures incurred by a party in respect of a person appointed or retained by the party for the purpose of making or renewing an agreement shall be borne by the party and all other expenses, including fees for a single arbitrator, a selector or a chairman of a board of arbitration shall be shared equally by the parties and such expenditures and fees shall be paid within sixty days after the agreement or renewal of agreement is executed or is deemed in effect as though it had been executed by the parties. Costs

(2) The fees and expenses, if any, of persons assigned by the Commission to assist parties to make or renew an agreement and of fact finders appointed by the Commission shall be paid by the Commission. Idem

88.—(1) Where the Ontario Labour Relations Board so directs, an employee organization shall file with the Ontario Labour Relations Board, within the time prescribed in the direction, a copy of its constitution and by-laws, and a statement signed by its president or secretary setting out the names and addresses of its officers. Officers, constitution, etc.

Duty to
furnish
financial
statements

(2) Every employee organization that represents employees shall upon the request of any employee furnish him, without charge, with a copy of the audited financial statement of its affairs to the end of its last fiscal year certified by its treasurer or other officer responsible for the handling and administration of its funds to be a true copy, and, upon the complaint of any employee that the employee organization has failed to furnish such a statement to him, the Ontario Labour Relations Board may direct the employee organization to file with the Registrar, within such time as the Ontario Labour Relations Board may determine, a copy of the audited financial statement of its affairs to the end of its last fiscal year verified by the affidavit of its treasurer or other officer responsible for the handling and administration of its funds and to furnish a copy of such statement to such employees as the Ontario Labour Relations Board in its discretion may direct, and the employee organization shall comply with such direction according to its terms.

Representative for
service of
process

(3) Every employee organization that represents employees or applies to represent employees under this Act shall file with the Ontario Labour Relations Board a notice giving the name and address of a person in Ontario who is authorized by the employee organization to accept on its behalf service of process and notices under this Act, and service on the person named in such notice is good and sufficient service for the purposes of this Act on the employee organization that filed the notice.

Vote by
secret
ballot

89. Where an employee organization conducts a vote of employees,

(a) for the purposes of subsection 1 of section 60; or

(b) to give approval to the terms of an agreement,

the vote shall be a vote by secret ballot conducted under the supervision of and in the manner determined by the Commission.

Contra-
vention of
Act by
person

90.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for each day upon which the contravention occurs or continues.

Contra-
vention of
Act by
employer or
employee
organization

(2) Every employer and every employee organization that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 for each day upon which such contravention occurs or continues.

(3) The contravention of a decision, order, determination, direction, declaration or ruling made under this Act is deemed for the purposes of this section, to be a contravention of this Act.

Contra-
vention of
decision,
etc.

(4) Where an employer or employee organization is guilty of an offence under this Act, every officer, official or agent thereof who assents to the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to a fine under subsection 1 as if he had been convicted of an offence under subsection 1.

Where
officer guilty
of offence

(5) An information in respect of a contravention of any provision of this Act may be for one or more offences and no information, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Information

(6) No prosecution for an offence under this Act shall be instituted except with the consent of the Ontario Labour Relations Board which may only be granted after affording an opportunity to the person or body seeking the consent and the person or body sought to be prosecuted to be heard.

Consent to
prosecution

91. A prosecution for an offence under this Act may be instituted against any body, association or organization in the name of the body, association or organization whether or not the body, association or organization is a body corporate and, for the purposes of any such prosecution, any unincorporated body, association or organization shall be deemed to be a body corporate.

Style of
prosecution

92. Any act or thing done or omitted by an officer, official or agent of the Council, employer or employee organization within the apparent scope of his authority to act on behalf of the Council, employer or employee organization shall be deemed to be an act or thing done or omitted by the Council, employer or employee organization, as the case may be.

Vicarious
responsi-
bility

93. Notwithstanding any other provision of this Act,

Compella-
bility of
witnesses

(a) the Minister of Colleges and Universities;

(b) the Deputy Minister of Colleges and Universities;

(c) a person employed in a position confidential to the Minister of Colleges and Universities or the Deputy Minister of Colleges and Universities;

- (d) the chairman, a vice-chairman or a member or employee of the Ontario Labour Relations Board;
- (e) an arbitrator or member or chairman of a board of arbitration; or
- (f) a selector,

is not a compellable witness in any proceeding under this Act or before a court or tribunal.

Continuation
of matters
1972, c. 67

94. Where the Ontario Public Service Labour Relations Tribunal or an arbitration board established under *The Crown Employees Collective Bargaining Act, 1972* or the Public Service Grievance Board proposed to hold or commenced but did not complete a matter or did not make a decision or declaration thereon, immediately before this Act comes into force, the matter shall be continued and the Tribunal, the arbitration board or the Public Service Grievance Board, as the case may be, shall continue and complete the matter and make a decision or declaration thereon that shall be effective for all purposes.

Application
of R.S.O. 1970,
c. 25

95.—(1) *The Arbitrations Act* does not apply to proceedings under this Act.

Idem.
1971, c. 47

(2) *The Statutory Powers Procedure Act, 1971* applies to proceedings of the Ontario Labour Relations Board but does not apply to other proceedings under this Act.

Commence-
ment

96. This Act comes into force on the day it receives Royal Assent.

Short title

97. This Act may be cited as *The Colleges Collective Bargaining Act, 1975*.

SCHEDULE 1

The academic staff bargaining unit includes the employees of all boards of governors of colleges of applied arts and technology who are employed as teachers, counsellors or librarians but does not include,

- (i) chairmen,
- (ii) department heads,
- (iii) directors,
- (iv) persons above the rank of chairman, department head or director,
- (v) other persons employed in a managerial or confidential capacity,
- (vi) teachers who teach for six hours or less per week,
- (vii) counsellors and librarians employed on a part-time basis,
- (viii) teachers, counsellors or librarians who are appointed for one or more sessions and who are employed for not more than twelve months in any twenty-four month period,
- (ix) a person who is a member of the architectural, dental, engineering, legal or medical profession, entitled to practise in Ontario and employed in a professional capacity, or
- (x) a person engaged and employed outside Ontario.

SCHEDULE 2

The support staff bargaining unit includes the employees of all boards of governors of colleges of applied arts and technology employed in positions or classifications in the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria and nursery staff but does not include,

- (i) foremen,
- (ii) supervisors,
- (iii) persons above the rank of foreman or supervisor,
- (iv) persons employed in a confidential capacity in matters related to employee relations or the formulation of a budget of a college of applied arts and technology or of a constituent campus of a college of applied arts and technology including persons employed in clerical, stenographic or secretarial positions,
- (v) other persons employed in a managerial or confidential capacity,
- (vi) persons regularly employed for not more than twenty-four hours a week,
- (vii) students employed in a co-operative educational training program undertaken with a school, college or university,

- (viii) a graduate of a college of applied arts and technology during the period of twelve months immediately following completion of a course of study or instruction at the college by the graduate if the employment of the graduate is associated with a certification, registration or other licensing requirement,
- (ix) a person engaged for a project of a non-recurring kind,
- (x) a person who is a member of the architectural, dental, engineering, legal or medical profession, entitled to practise in Ontario and employed in a professional capacity, or
- (xi) a person engaged and employed outside Ontario.

CHAPTER 75

**An Act to amend
The Ministry of Colleges and Universities Act, 1971**

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 11 of section 6 of *The Ministry of Colleges and Universities Act, 1971*, being chapter 66, as enacted by the Statutes of Ontario, 1972, chapter 114, section 1, is repealed. <sup>s. 6 (11),
repealed</sup>
2. Section 6a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 114, section 2, is repealed. <sup>s. 6a,
repealed</sup>
3. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
4. This Act may be cited as *The Ministry of Colleges and Universities Amendment Act, 1975 (No. 2)*. ^{Short title}

CHAPTER 76

An Act to amend The Labour Relations Act

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Labour Relations Act*, ^{s. 1 (1), amended} being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:

(ga) “dependent contractor” means a person, whether or not employed under a contract of employment, and whether or not furnishing his own tools, vehicles, equipment, machinery, material, or any other thing, who performs work or services for another person for compensation or reward on such terms and conditions that he is in a position of economic dependence upon, and under an obligation to perform duties for, that person more closely resembling the relationship of an employee than that of an independent contractor;

(gb) “employee” includes a dependent contractor.

- (2) Subsection 4 of the said section 1 is repealed and the ^{s. 1 (4), re-enacted} following substituted therefor:

(4) Where, in the opinion of the Board, associated or ^{Idem} related activities or businesses are carried on, whether or not simultaneously, by or through more than one corporation, individual, firm, syndicate or association or any combination thereof, under common control or direction, the Board may, upon the application of any person, trade union or council of trade unions concerned, treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act and grant such relief, by way of declaration or otherwise, as it may deem appropriate.

- (5) Where, in an application made pursuant to subsection ^{Duty of respondents} 4, it is alleged that more than one corporation, individual,

firm, syndicate or association or any combination thereof are or were under common control or direction, the respondents to the application shall adduce at the hearing all facts within their knowledge that are material to the allegation.

s. 2 (f),
re-enacted

2. Clause *f* of section 2 of the said Act is repealed and the following substituted therefor:

1975, c.

(*f*) to a teacher as defined in *The School Boards and Teachers Collective Negotiations Act, 1975*, except as provided in that Act.

s. 6 (1),
amended

- 3.—(1) Subsection 1 of section 6 of the said Act is amended by adding at the commencement thereof “Subject to subsection 1*a*”.

s. 6,
amended

- (2) The said section 6 is amended by adding thereto the following subsection:

Certifica-
tion
pending
resolution
of composi-
tion of
bargaining
unit

(1*a*) Where, upon an application for certification, the Board is satisfied that any dispute as to the composition of the bargaining unit cannot affect the trade union’s right to certification, the Board may certify the trade union as the bargaining agent pending the final resolution of the composition of the bargaining unit.

s. 6 (2),
re-enacted

- (3) Subsection 2 of the said section 6 is repealed and the following substituted therefor:

Crafts
units

(2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or crafts shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made.

s. 6,
amended

- (4) The said section 6 is further amended by adding thereto the following subsection:

Dependent
contractors

(4) A bargaining unit consisting solely of dependent contractors shall be deemed by the Board to be a unit of

employees appropriate for collective bargaining but the Board may include dependent contractors in a bargaining unit with other employees if the Board is satisfied that a majority of such dependent contractors wish to be included in such bargaining unit.

- 4.—(1) Subsection 2 of section 7 of the said Act is amended by striking out “35” in the first line and inserting in lieu thereof “45” and by striking out “65” in the second line and in the fourth line and inserting in lieu thereof in each instance “55”.

s. 7 (2),
amended
- (2) Subsection 3 of the said section 7 is amended by striking out “65” in the third line and inserting in lieu thereof “55”.

s. 7 (3),
amended
- (3) Subsection 4 of the said section 7 is repealed.

s. 7 (4),
repealed
- (4) This section does not apply in respect of applications for certification made before this section comes into force.

Application
of section
5. The said Act is amended by adding thereto the following section:

s. 7a,
enacted

7a. Where an employer or employers’ organization contravenes this Act so that the true wishes of the employees of the employer or of a member of the employers’ organization are not likely to be ascertained, and, in the opinion of the Board, a trade union has membership support adequate for the purposes of collective bargaining in a bargaining unit found by the Board pursuant to section 6 to be appropriate for collective bargaining, the Board may, on the application of the trade union, certify the trade union as the bargaining agent of the employees in the bargaining unit.

Certifi-
cation
where Act
contravened

6. Section 12 of the said Act is amended by adding after “ancestry” in the fifth line “age, sex”.

s. 12,
amended

7. The said Act is further amended by adding thereto the following sections:

ss. 34a-34d,
enacted

34a.—(1) Where, at any time during the operation of a collective agreement, the Minister considers that it will promote more harmonious industrial relations between the parties, he may appoint a special officer to confer with the parties and assist them in an examination and discussion of their current relationship or the resolution of anticipated bargaining problems.

Appointment
of special
officer

Duties of
special
officer

(2) A special officer appointed under subsection 1 shall confer with the parties and shall report to the Minister within thirty days of his appointment and upon the filing of his report his appointment shall terminate unless it is extended by the Minister.

Qualifi-
cations
of special
officer

(3) Any person knowledgeable in industrial relations may be appointed a special officer, whether or not he is an employee of the Crown.

Disputes
Advisory
Committee

34b.—(1) The Minister may appoint a Disputes Advisory Committee composed of one or more representatives of employers and one or more representatives of employees.

Purpose of
Committee

(2) At any time during the course of bargaining, either before or after the commencement of a strike or lock-out, where it appears to the Minister that the normal conciliation and mediation procedures have been exhausted, the Minister may request that the Disputes Advisory Committee be convened to confer with, advise and assist the bargaining parties.

Voluntary
arbitration

34c.—(1) Notwithstanding any other provision of this Act, the parties may at any time following the giving of notice of desire to bargain under section 13 or 45, irrevocably agree in writing to refer all matters remaining in dispute between them to an arbitrator or a board of arbitration for final and binding determination.

Powers of
arbitrator
or board of
arbitration

(2) The agreement to arbitrate shall supersede all other dispute settlement provisions of this Act, including those provisions relating to conciliation, mediation, strike and lock-out, and the provisions of subsections 6, 7, 9, 10 and 11 of section 37 apply *mutatis mutandis* to the proceedings before the arbitrator or board of arbitration and to its decision under this section.

Effect
of
agreement

(3) For the purposes of section 53 and section 112, an irrevocable agreement in writing referred to in subsection 1 shall have the same effect as a collective agreement.

Where
Minister
may require
ratification
vote

34d. Where, at any time after the commencement of a strike or lock-out, the Minister is of the opinion that it is in the public interest that the employees in the affected bargaining unit be given the opportunity to accept or reject the offer of the employer last received by the trade union in respect of all matters remaining in dispute between the parties, the Minister may, on such terms as he considers necessary, direct that a vote of the employees in the bargaining unit to accept or reject the offer be held forthwith.

8. —(1) Subsection 1 of section 35 of the said Act is amended by s. 35 (1), amended inserting after “shall” in the first line “be deemed to”.

(2) Subsection 2 of the said section 35 is amended by inserting s. 35 (2), amended after “shall” in the second line “be deemed to”.

(3) Subsection 3 of the said section 35 is repealed. s. 35 (3), repealed

9. The said Act is amended by adding thereto the following s. 36a, enacted section:

36a.—(1) Except in the construction industry, where a Deduction and remittance of union dues trade union that is the bargaining agent for employees in a bargaining unit so requests, there shall be included in the collective agreement between the trade union and the employer of the employees a provision that at the written request of an employee in the bargaining unit the employer shall deduct from the wages of the employee the amount of the regular union dues payable by members of the trade union and remit the amount to the trade union.

(2) In subsection 1, “regular union dues” means, Interpretation

(a) in the case of an employee who is a member of the trade union, the dues uniformly and regularly paid by a member of the trade union in accordance with the constitution and by-laws of the trade union; and

(b) in the case of an employee who is not a member of the trade union, the dues referred to in clause *a*, excluding any amount in respect of pension, superannuation, sickness insurance or any other benefit available only to members of the trade union.

10. Section 37 of the said Act is amended by adding thereto the s. 37, amended following subsection:

(5a) Except where a collective agreement states that this Extension of time subsection does not apply, an arbitrator or arbitration board may extend the time for the taking of any step in the grievance procedure under a collective agreement, notwithstanding the expiration of such time, where the arbitrator or arbitration board is satisfied that there are reasonable grounds for the extension and that the opposite party will not be substantially prejudiced by the extension.

s. 38 (4),
amended

- 11.** Subsection 4 of section 38 of the said Act is amended by striking out "65" in the sixth line and inserting in lieu thereof "55".

s. 40 (b),
amended

- 12.** Clause *b* of section 40 of the said Act is amended by inserting after "ancestry" in the second line "age, sex".

s. 44 (2),
re-enacted

- 13.** Subsection 2 of section 44 of the said Act is repealed and the following substituted therefor:

Extension
of term of
collective
agreement

(2) Notwithstanding subsection 1, the parties may, in a collective agreement or otherwise and before or after the collective agreement has ceased to operate, agree to continue the operation of the collective agreement or any of its provisions for a period of less than one year while they are bargaining for its renewal with or without modifications or for a new agreement, but such continued operation does not bar an application for certification or for a declaration that the trade union no longer represents the employees in the bargaining unit and the continuation of the collective agreement may be terminated by either party upon thirty days notice to the other party.

s. 49 (3),
amended

- 14.** Subsection 3 of section 49 of the said Act is amended by striking out "50" in the third line and in the seventh line and inserting in lieu thereof in each instance "45".

s. 55 (3),
re-enacted

- 15.—(1)** Subsection 3 of section 55 of the said Act is repealed and the following substituted therefor:

Idem

(3) Where an employer on behalf of whose employees a trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 13 or 45, sells his business, the trade union, or council of trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement or the renewal, with or without modifications, of the agreement then in operation and such notice has the same effect as a notice under section 13 or 45, as the case requires.

s. 55,
amended

- (2) The said section 55 is amended by adding thereto the following subsection:

(13) Where, on an application under this section, a trade union alleges that the sale of a business has occurred, the respondents to the application shall adduce at the hearing all facts within their knowledge that are material to the allegation.

Duty of respondents

16. The said Act is further amended by adding thereto the following section:

s. 60a,
enacted

60a. Where, pursuant to a collective agreement, a trade union is engaged in the selection, referral, assignment, designation or scheduling of persons to employment, it shall not act in a manner that is arbitrary, discriminatory or in bad faith.

Duty of fair referral, etc., by trade unions

17. Subsection 2 of section 63 of the said Act is repealed and the following substituted therefor:

s. 63 (2),
re-enacted

(2) Where no collective agreement is in operation, no employee shall strike and no employer shall lock out an employee until the Minister has appointed a conciliation officer or a mediator under this Act and,

No agreement

(a) seven days have elapsed after the day the Minister has released or is deemed pursuant to subsection 3 of section 102 to have released to the parties the report of a conciliation board or mediator; or

(b) fourteen days have elapsed after the day the Minister has released or is deemed pursuant to subsection 3 of section 102 to have released to the parties a notice that he does not consider it advisable to appoint a conciliation board.

18. Subsection 2 of section 70 of the said Act is repealed and the following substituted therefor:

s. 70 (2),
re-enacted

(2) Where a trade union has applied for certification and notice thereof from the Board has been received by the employer, the employer shall not, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer or the employees until,

Idem

(a) the trade union has given notice under section 13, in which case subsection 1 applies; or

- (b) the application for certification by the trade union is dismissed or terminated by the Board or withdrawn by the trade union.

s. 76,
amended

- 19.** Section 76 of the said Act is amended by adding thereto the following subsection:

Complaint
that
financial
statement
inadequate

(2) Where a member of a trade union complains that an audited financial statement is inadequate, the Board may inquire into the complaint and the Board may order the trade union to prepare another audited financial statement in a form and containing such particulars as the Board considers appropriate and the Board may further order that the audited financial statement, as rectified, be certified by a person licensed under *The Public Accountancy Act* or a firm whose partners are licensed under that Act.

R.S.O. 1970,
c. 373

s. 76a,
enacted

- 20.** The said Act is further amended by adding thereto the following section:

Interpre-
tation

76a.—(1) In this section, “administrator” means any trade union, trustee or person responsible for the control, management or disposition of moneys received or contributed to a vacation pay fund or a welfare benefit or pension plan or fund for the members of a trade union or their survivors or beneficiaries.

Annual filing
of statement

(2) Every administrator shall file annually with the Minister not later than the 1st day of June in each year or at such other time or times as the Minister may direct, a copy of the audited financial statement certified by a person licensed under *The Public Accountancy Act* or a firm whose partners are licensed under that Act of a vacation pay fund, or a welfare benefit or pension plan or fund setting out its financial condition for the preceding fiscal year and disclosing,

- (a) a description of the coverage provided by the fund or plan;
- (b) the amount contributed by each employer;
- (c) the amounts contributed by the members and the trade union, if any;

- (d) a statement of the assets, specifying the total amount of each type of asset;
- (e) a statement of liabilities, receipts and disbursements;
- (f) a statement of salaries, fees and commissions charged to the fund or plan, to whom paid, in what amount and for what purposes; and
- (g) such further information as the Minister may require.

(3) The administrator, upon the request in writing of any member of the trade union whose employer has made payments or contributions into the fund or plan, shall furnish to the member without charge a copy of the audited financial statement required to be filed by subsection 2.

Furnishing
of copy to
member of
trade
union

(4) Where an administrator has failed to comply with subsection 2 or 3, upon a certificate of failure so to comply signed by the Minister or upon complaint by the member, the Board may direct the administrator to comply within such time as the Board may determine.

Where
Board
may direct
compliance

21.—(1) Subsections 1, 2, 3 and 4 of section 79 of the said Act are repealed and the following substituted therefor:

s. 79 (1-4),
re-enacted

(1) The Board may authorize a labour relations officer to inquire into any complaint alleging a contravention of this Act.

Inquiry
by
labour
relations
officer

(2) The labour relations officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Duties

(3) The labour relations officer shall report the results of his inquiry and endeavours to the Board.

Report

(4) Where a labour relations officer is unable to effect a settlement of the matter complained of or where the Board in its discretion considers it advisable to dispense with an inquiry by a labour relations officer, the Board may inquire into the complaint of a contravention of this Act and where the Board is satisfied that an employer, employers' organization, trade union, council of trade unions, person or employee has acted contrary to this Act it shall determine what, if anything, the employer, employers' organization, trade union, council of trade unions, person or employee shall do or refrain from doing with respect thereto and such

Remedy for
discrimina-
tion

determination, without limiting the generality of the foregoing may include, notwithstanding the provisions of any collective agreement, any one or more of,

- (a) an order directing the employer, employers' organization, trade union, council of trade unions, employee or other person to cease doing the act or acts complained of;
- (b) an order directing the employer, employers' organization, trade union, council of trade unions, employee or other person to rectify the act or acts complained of; or
- (c) an order to reinstate in employment or hire the person or employee concerned, with or without compensation, or to compensate in lieu of hiring or reinstatement for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer, employers' organization, trade union, council of trade unions, employee or other person jointly or severally.

Burden of
proof

(4a) On an inquiry by the Board into a complaint under subsection 4 that a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment, the burden of proof that any employer or employers' organization did not act contrary to this Act lies upon the employer or employers' organization.

s. 79 (6),
amended

(2) Subsection 6 of the said section 79 is amended by striking out "field" in the second line and inserting in lieu thereof "labour relations" and by striking out "clause *a, b* or *c* of subsection 1, as the case may be" in the eleventh and twelfth lines and inserting in lieu thereof "subsection 1".

ss. 82, 83,
re-enacted

22. Sections 82 and 83 of the said Act are repealed and the following substituted therefor:

Declaration
and direction
by Board
in respect
of unlawful
strike

82. Where, on the complaint of a trade union, council of trade unions, employer or employers' organization, the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful strike or threatened to engage in an unlawful strike or that employees engaged in or threatened to engage in an unlawful strike, the Board may so declare and, in addition, in its discretion,

it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

83. Where, on the complaint of a trade union, council of trade unions, employer or employers' organization, the Board is satisfied that an employer or employers organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, the Board may so declare and, in addition, in its discretion, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out.

Declaration and direction by Board in respect of unlawful lock-out

83a. The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under section 82 or 83, exclusive of the reasons therefor, whereupon the direction shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Enforcement of direction by Supreme Court

23. Section 89 of the said Act is amended by inserting after "section" in the fifth line "82, 83 or".

s. 89, amended

24. Section 91 of the said Act is amended by adding thereto the following subsection:

s. 91, amended

(11a) Notwithstanding subsections 9, 10 and 11, and where in his opinion it is advisable to do so, the chairman, or in the case of his absence or inability to act the alternate chairman, may sit alone to hear and determine or may authorize a vice-chairman to sit alone to hear and determine any application, request, complaint, matter or thing in respect of section 60 or 60a or section 82, 83 or 123, and to exercise all of the jurisdiction and powers of the Board when so sitting.

When chairman or vice-chairman may sit alone

25. Section 98 of the said Act is repealed and the following substituted therefor:

s. 98, re-enacted

98. Except with the consent of the Board, no member of the Board, nor its registrar, nor any of its other officers, nor any of its clerks or servants shall be required to give testimony in any civil suit or in any proceeding before the

Testimony in civil suits, etc.

Board or in any proceeding before any other tribunal respecting information obtained in the discharge of their duties or while acting within the scope of their employment under this Act.

s. 100 (6),
re-enacted

- 26.** Subsection 6 of section 100 of the said Act is repealed and the following substituted therefor:

Secrecy of
information
given labour
relations
officers

(6) No information or material furnished to or received by a labour relations officer under this Act and no report of a labour relations officer shall be disclosed except to the Board or as authorized by the Board, and no member of the Board and no labour relations officer is a competent or compellable witness in proceedings before a court, the Board or other tribunal respecting any such information, material or report.

s. 102 (4),
amended

- 27.** Subsection 4 of section 102 of the said Act is amended by inserting after "section" in the fourth line "82, 83 or".

s. 105 (d),
re-enacted

- 28.**—(1) Clause *d* of section 105 of the said Act is repealed and the following substituted therefor:

(d) prescribing amounts for the expense of proceedings under section 112*a* and providing for the adjustment of such amounts in exceptional circumstances.

s. 105 (e),
amended

- (2) Clause *e* of the said section 105 is amended by inserting after "81" in the third line "83*a*".

s. 106 (e),
amended

- 29.** Clause *e* of section 106 of the said Act is amended by striking out "sewers, tunnels" in the fourth line and inserting in lieu thereof "sewers".

s. 112*a*,
enacted

- 30.** The said Act is further amended by adding thereto the following section:

Referral of
grievance
to Board

112*a*.—(1) Notwithstanding the grievance and arbitration provisions in a collective agreement or deemed to be included in a collective agreement under section 37, either party to a collective agreement between an employer or employers' organization and a trade union or council of trade unions may refer a grievance concerning the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable, to the Board for final and binding determination.

Hearing

(2) A referral under subsection 1 may be made in writing in the prescribed form by a party at any time after delivery of the written grievance to the other party, and

the Board shall appoint a date for and hold a hearing within fourteen days after receipt of the referral and may appoint a labour relations officer to confer with the parties and endeavour to effect a settlement before the hearing.

(3) Upon a referral under subsection 1, the Board has ^{Jurisdiction of Board} exclusive jurisdiction to hear and determine the difference or allegation raised in the grievance referred to it, including any question as to whether the matter is arbitrable, and the provisions of subsections 5a, 7, 8, 9, 10 and 11 of section 37 apply *mutatis mutandis* to the Board and to the enforcement of the decision of the Board.

(4) The expense of proceedings under this section, in the ^{Expense} amount fixed by the regulations, shall be jointly paid by the parties to the Board for payment into the Consolidated Revenue Fund.

31. Subsection 5 of section 115 of the said Act is amended by ^{s. 115 (5), amended} inserting after “ancestry” in the fifth line “age, sex”.

32. Subsection 3 of section 123 of the said Act is amended by ^{s. 123 (3), amended} adding at the end thereof “and is enforceable as such”.

33.—(1) This Act, except subsection 1 of section 1, subsection 4 ^{Commence-ment} of section 3 and sections 6, 12 and 31, comes into force on the day it receives Royal Assent.

(2) Subsection 1 of section 1, subsection 4 of section 3 and ^{Idem} sections 6, 12 and 31 come into force on a day to be named by proclamation of the Lieutenant Governor.

34. This Act may be cited as *The Labour Relations Amendment* ^{Short title} Act, 1975.

CHAPTER 77

An Act to amend The Education Act, 1974

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of subsection 1 of section 8 of *The Education Act, 1974*, ^{s. 8 (1) (q), amended} being chapter 109, is amended by inserting after “scholarships” in the second line “bursaries”.

2.—(1) Section 206 of the said Act is amended by adding thereto ^{s. 206, amended} the following subsection:

(8a) In determining the proportion of the amounts to be raised by each municipality, the arbitrators and the Ontario Municipal Board shall not take into account, ^{Payments in lieu of taxes not to be taken into account}

(a) payments receivable by a municipality,

(i) from Canada, except payments under section 637 of *The Municipal Act*, or ^{R.S.O. 1970, c. 284}

(ii) from Ontario, except payments under section 6 of *The Housing Development Act*, ^{R.S.O. 1970, c. 213}

in lieu of taxes in respect of real property in the municipality;

(b) the valuation of any property referred to in clause *a*;

(c) the valuation of properties of a commission as defined in section 35 of *The Assessment Act*, ^{R.S.O. 1970, c. 32} assessed in the municipality under such section; and

(d) payments receivable by the municipality under section 35 of *The Assessment Act*.

s. 206 (11),
re-enacted

- (2) Subsection 11 of the said section 206 is repealed and the following substituted therefor:

Levy not-
withstanding
appeal

(11) An application for an arbitration or the referral of an objection to the Ontario Municipal Board under this section does not relieve the council of a municipality of its duty to levy and collect the amounts required by the board as apportioned to the municipality.

Adjustment
where
apportion-
ment
altered by
O.M.B.

(12) Where in respect of any year a municipality in a school division has, under section 208, levied the amounts that were requisitioned by the divisional board and such amounts are altered pursuant to a decision of the arbitrators or to an order of the Ontario Municipal Board, the provisions of subsections 2 and 3 of section 212 shall apply in respect of an overpayment or an underpayment resulting from such alteration.

Application
of s. 2

- 3.—(1) Section 2 applies to objections to decisions of arbitrators referred to the Ontario Municipal Board in respect of apportionments for the year 1975 and subsequent years.

Determina-
tions in
1975
inconsistent
with
s. 206 (8a)
1974, c. 109

- (2) Where the proportion of the amounts to be raised by municipalities for the year 1975 was determined by the arbitrators in a manner inconsistent with subsection 8a of section 206 of *The Education Act, 1974*, such determination is void and the chief executive officer of the divisional board of education concerned shall, within thirty days after the coming into force of this Act, call a meeting as provided and for the purpose set out in subsection 6 of section 206 of *The Education Act, 1974*, and the provisions of that section apply to the determination made as a result of such meeting.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Education Amendment Act, 1975*.

CHAPTER 78

An Act to amend The Highway Traffic Act

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 15c of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 123, section 1, is repealed and the following substituted therefor:

15c. “motor assisted bicycle” means a bicycle,

- i. fitted with pedals which are operable at all times to propel the bicycle,
 - ii. weighing not more than 120 pounds,
 - iii. which has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel,
 - iv. having an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimetres, and
 - v. which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.
- (2) Paragraph 17 of subsection 1 of the said section 1, as re-enacted by the Statutes of Ontario, 1974, chapter 123, section 1, is repealed and the following substituted therefor:
17. “motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise in-

licated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

s. 1 (1),
par. 35,
amended

- (3) Paragraph 35 of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 123, section 1, is further amended by striking out "motor assisted bicycle" in the amendment of 1974.

s. 18a,
amended

2. Section 18a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 5, is amended by striking out "fourteen" in the first line and inserting in lieu thereof "sixteen".

s. 35,
amended

3. Section 35 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 13, is further amended by adding thereto the following subsection:

Interpre-
tation

(8) In this section, "motor vehicle" does not include a motor assisted bicycle.

s. 36a,
enacted

4. Part V of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 14 to 17, 19 and 20, 1973, chapter 167, section 8 and 1974, chapter 123, sections 11 to 16, is further amended by adding thereto the following section:

Interpre-
tation

36a. In this Part, "motor vehicle" does not include a motor assisted bicycle.

s. 62 (1),
amended

5. Subsection 1 of section 62 of the said Act is amended by inserting after "motorcycle" in the first line "or motor assisted bicycle".

s. 63,
amended

6. Section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 45, section 20, is amended by adding thereto the following subsection:

Sale of
motor
assisted
bicycles

(1a) No person who deals in motor assisted bicycles shall sell a new motor assisted bicycle after the date this subsection comes into force unless on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a document in a form approved by the Ministry certifying that the vehicle complies with the definition of a motor assisted bicycle.

7. Subsection 1a of section 82 of the said Act, as enacted by the <sup>s. 82 (1a),
repealed</sup> Statutes of Ontario, 1974, chapter 123, section 21, is repealed.
- 8.—(1) Subsection 2 of section 122 of the said Act, as amended <sup>s. 122 (2),
amended</sup> by the Statutes of Ontario, 1974, chapter 123, section 30, is further amended by striking out “a motor assisted bicycle or” in the amendment of 1974.
- (2) The said section 122 is amended by adding thereto the <sup>s. 122,
amended</sup> following subsection:
- (2a) No person driving a motor assisted bicycle shall <sup>Person on
motor
assisted
bicycle</sup> carry any other person thereon.
9. Subsection 2 of section 128 of the said Act, as amended by <sup>s. 128 (2),
amended</sup> the Statutes of Ontario, 1974, chapter 123, section 31, is further amended by inserting after “of” in the second line “motor assisted bicycles”.
10. Subsection 1 of section 139 of the said Act, as amended by <sup>s. 139 (1),
amended</sup> the Statutes of Ontario, 1974, chapter 123, section 33, is further amended by striking out “or motor assisted bicycle” in the amendment of 1974.
11. Subsection 2 of section 147 of the said Act, as amended by <sup>s. 147 (2),
amended</sup> the Statutes of Ontario, 1974, chapter 123, section 34, is further amended by striking out “or motor assisted bicycle” in the amendment of 1974.
- 12.—(1) This Act, except subsections 2 and 3 of section 1, sections 3, 4, 5, 6, 7, 10 and 11, comes into force on the day <sup>Commence-
ment</sup> it receives Royal Assent.
- (2) Subsections 2 and 3 of section 1 and sections 3, 4, 5, 6, 7, ^{Idem} 10 and 11 come into force on a day to be named by proclamation of the Lieutenant Governor.
13. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (No. 4)*. ^{Short title}

CHAPTER 79

The Drainage Act, 1975*Assented to July 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Inter-
pretation

1. "benefit" means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or subsurface water, or any other advantages relating to the betterment of lands, roads, buildings or other structures;
2. "benefit cost statement" means a statement relating the anticipated benefits expressed in dollars to the total estimated cost of the drainage works;
3. "built-up area" means an area of land where,
 - i. not less than 50 per cent of the frontage upon one side of a road for a distance of not less than 600 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or
 - ii. not less than 50 per cent of the frontage upon both sides of a road for a distance of not less than 300 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or
 - iii. not more than 600 feet of a road separates any land described in subparagraph i or ii from any other land described in subparagraph i or ii, or
 - iv. a plan of subdivision has been registered;

R.S.O. 1970,
c. 78

4. "commissioner" means a commissioner appointed by a municipality by by-law;
5. "conservation authority" means a conservation authority established under *The Conservation Authorities Act*;
6. "county" includes a provisional judicial district;
7. "county court" includes a district court;
8. "court of revision" means a court of revision constituted under this Act;
9. "Director" means the Director appointed for the purposes of this Act;
10. "drainage superintendent" means a drainage superintendent appointed by a municipality by by-law;
11. "drainage works" includes a drain constructed by any means, including the improving of a natural watercourse, and includes works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof;
12. "engineer" means an engineer registered under *The Professional Engineers Act* or a surveyor registered under *The Surveyors Act*, or a partnership, association of persons or corporation that holds a certificate of authorization under *The Professional Engineers Act* or *The Surveyors Act*, as the case may be;
13. "improvement" means any modification of or addition to a drainage works intended to increase the effectiveness of the system;
14. "initiating municipality" means the local municipality undertaking the construction, improvement, repair or maintenance of a drainage works to which this Act applies;
15. "injuring liability" means the part of the cost of the construction, improvement, maintenance or repair of a drainage works required to relieve the owners of any land or road from liability for injury caused by water artificially made to flow from such land or road upon any other land or road;

R.S.O. 1970,
cc. 366, 452

16. "lateral drain" means a drain that is designed for the drainage of one property and that begins and ends on the same property;
17. "maintenance" means the preservation of a drainage works;
18. "Minister" means the Minister of Agriculture and Food;
19. "outlet liability" means the part of the cost of the construction, improvement or maintenance of a drainage works that is required to provide such outlet or improved outlet;
20. "owner" includes a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;
21. "preliminary report" means an engineer's report containing the information specified in section 10;
22. "property" means a parcel of land that by *The R.S.O. 1970.*
Assessment Act is required to be separately assessed; c. 32
23. "public utility" means a person having jurisdiction over any water works, gas works, electric heat, light and power works, telegraph and telephone lines, railways however operated, street railways and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessities or conveniences;
24. "referee" means the referee appointed under this Act;
25. "repair" means the restoration of a drainage works to its original condition;
26. "report" means an engineer's report containing the information specified in section 8;
27. "road authority" means a body having jurisdiction and control of a common or public highway or road, or any part thereof, including a street, bridge and any other structure incidental thereto and any part thereof;
28. "special benefit" means any additional work or feature included in the construction, repair or improvement of a drainage works that has no effect on the functioning of the drainage works;

- 29. "sufficient outlet" means a point at which water can be discharged safely so that it will do no damage to lands or roads;
- 30. "Tribunal" means The Ontario Drainage Tribunal established under this Act. R.S.O. 1970, c. 136, s. 1, *amended*.

MUTUAL AGREEMENT DRAINS

Mutual
agreement
re drainage
works

2.—(1) When two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works, which shall include the following:

1975, c. 79

- 1. A reference to *The Drainage Act, 1975*.
- 2. Descriptions of the lands of the parties to the agreement sufficient for the purposes of registration in the proper land registry office.
- 3. The estimated cost of the drainage works.
- 4. A description of the drainage works, including its nature and approximate location.
- 5. The proportion of the cost of the construction, improvement and maintenance of the drainage works that is to be borne by each of the owners of the lands.
- 6. The date the agreement was entered into.
- 7. An affidavit of a subscribing witness to the execution of the agreement by the parties sufficient for the purposes of registration in the proper land registry office.

Filing
of agreement

(2) A copy of the agreement and the plans and schedules, if any, of the proposed drainage works may be filed with the clerk of the local municipality in which the land or any part thereof is situate, and the agreement or an executed copy thereof may be registered in the proper land registry office.

Registered
agreement
binding on
successors

(3) An agreement made under this section shall, upon registration in the proper land registry office of the agreement or an executed copy thereof, be binding upon the heirs, executors, administrators, successors and assigns of each party to the agreement.

(4) The subsequent provisions of this Act do not apply to any drainage works constructed under this section. R.S.O. 1970, c. 136, s. 2, *amended*. Exception

REQUISITION DRAINS

3.—(1) Where it is necessary, for the proper drainage of any lands, that a drainage works should be constructed thereon or constructed thereon and through the land of one or more adjacent owners, the owner of the land requiring or to be benefitted by such drainage may file with the clerk of the local municipality in which the land is situate a requisition in the Form prescribed by the regulations requesting that an engineer be appointed. R.S.O. 1970, c. 136, s. 4 (1), *amended*. Drainage works constructed on requisition

(2) Upon filing the requisition, the owner shall deposit with the clerk of the municipality the sum of \$300 to be used toward defraying the expenses incurred consequent thereon, which sum shall be taken into consideration by the engineer in apportioning costs. R.S.O. 1970, c. 136, s. 4 (2), *amended*. Deposit for expenses

(3) No drainage works, the total estimated cost of which will exceed \$7,500, shall be constructed under this section. R.S.O. 1970, c. 136 s. 4 (3), *amended*. Limit of cost

(4) For the purposes of calculating the total estimated cost in subsection 3, the cost of crossing lands occupied by the works of a public utility or road authority shall not be included. *New*. Cost not included

(5) Only lands lying within 2,500 feet from the sides of the drainage works and land lying within 2,500 feet from the upstream point of commencement of the drainage works may be assessed under this section. R.S.O. 1970, c. 136, s. 4 (4), *amended*. Limit of area to be assessed

(6) The council of the local municipality, upon the filing of the requisition, shall, by by-law or resolution, appoint an engineer to make an examination of the area and to make a preliminary report. R.S.O. 1970, c. 136, s. 4 (6) *part*, *amended*. Duty of council

(7) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send to each owner of land and to each public utility that may be affected by such drainage works as set out in the requisition at least seven days written notice in the Form prescribed by the regulations by prepaid mail, addressed to each such owner at his address as shown by the last revised assessment roll, of the date, time and place of an on-site meeting with the engineer to examine the area. R.S.O. 1970, c. 136, s. 4 (6), *part*, *amended*. Notice of examination

- Statements (8) The engineer shall file with his preliminary report a benefit cost statement and a statement of the anticipated effects of the drainage works on the local environment.
- Engineer to set out requirements (9) The engineer in his preliminary report shall set out the requirements for a petition sufficient to comply with section 4.
- Duty of council (10) Upon the filing of the engineer's preliminary report, the council of the local municipality shall cause the clerk to send by prepaid mail to each owner of lands to be affected by the drainage works as set out in the requisition and to the Minister, a notice stating the name or other designation of the drainage works and the date of the council meeting at which the preliminary report will be considered.
- Copy of report, etc. (11) A copy of the preliminary report, the benefit cost statement and the statement of the anticipated effect on the local environment must accompany each notice sent under subsection 10.
- Duty of clerk (12) Unless the owner who filed the requisition files with the clerk of the local municipality a petition sufficient to comply with section 4 within sixty days of the meeting at which the report was considered, the clerk shall send, by prepaid mail, to such owner, notice that unless the requisition is withdrawn or a petition is filed within thirty days from the date the notice was sent, the council of the local municipality shall instruct the engineer to prepare a report.
- Power of council (13) Where a petition sufficient to comply with section 4 is filed within the time limits prescribed by subsection 12, the council of the local municipality shall proceed in the manner prescribed for a petition under section 4.
- Duty of council (14) Unless the requisition is withdrawn or a petition is filed with the council of the local municipality within the time limits prescribed by subsection 12, the council by by-law or resolution shall instruct the engineer to prepare a report.
New.
- Idem (15) Notwithstanding any other provision of this Act, upon the filing of the report, unless the requisition is withdrawn, the council of the local municipality shall, subject to any appeal that may be taken, adopt the report and proceed to implement it in accordance with this Act. R.S.O. 1970, c. 136, s. 4 (8), *amended*.
- Appeals (16) Upon the filing of a report, an appeal lies therefrom to the same tribunals and as nearly as may be possible in

the same manner and on the same grounds as in the case of a report for the construction of a drainage works commenced by petition under section 4.

(17) Where the requisition is withdrawn or the drainage works is not proceeded with under requisition as a result of an appeal, the owner who filed the requisition is chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with the requisition, and the sum with which such owner is chargeable shall be entered upon the collector's roll for the municipality against the lands of the owner, and shall be collected in the same manner as real property taxes. *New.*

Collection
of expenses

(18) Every ditch constructed under *The Ditches and Water-courses Act* shall be maintained in accordance with the award of the engineer providing for such maintenance until such ditch is brought under the provisions of this Act by requisition in the manner prescribed by subsection 1 or by petition as set out in section 4. R.S.O. 1970, c. 136, s. 4 (9), *amended.*

Existing
ditches
R.S.O. 1960,
c. 109

PETITION DRAINS

4.—(1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

Petition

(a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;

(b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the acreage in the area;

(c) where a drainage works is required for a road or part thereof, the engineer or road superintendent appointed under *The Public Transportation and Highway Improvement Act* and having jurisdiction over such road or part; or

R.S.O. 1970,
c. 201

(d) where a drainage works is required for the drainage of lands used for agricultural purposes, the Director.

(2) A petition under subsection 1 shall be in the Form prescribed by the regulations and, where it is filed by an owner or owners under clause *a* or *b* of subsection 1, shall be signed by such owner or owners.

Form of
petition

Petition
where area
lies on
each side of
boundary
line

(3) Where it is desired to construct a drainage works for the drainage of an area composed of lands or roads lying on each side of a boundary line between two or more local municipalities, the council of any of them may proceed upon a petition as required by this Act in all respects, including the sending of notices, as if such area were entirely within the limits of the municipality.

Person
deemed
owner

(4) Where a person who is the owner of land, but does not appear by the last revised assessment roll of the municipality to be the owner, is a petitioner, he shall be deemed an owner if his ownership is proved to the satisfaction of the clerk, and, if the person who appears by the assessment roll to be the owner is a petitioner, his name shall be disregarded in determining the sufficiency of the petition.

Persons
jointly
assessed

(5) Where two or more persons are jointly assessed for a property, in determining the sufficiency of a petition they shall be deemed to be one owner and only one such person may sign the petition. *New.*

Drainage
works
constructed
on petition

5.—(1) Where a petition in accordance with section 4 has been filed, the council shall forthwith consider the petition and shall, within thirty days after the filing of the petition,

- (a) if it decides not to proceed with the drainage works, give written notice of its decision to each petitioner; or
- (b) if it decides to proceed with the drainage works, give written notice of the petition and of its decision to each petitioner, the clerk of each local municipality that may be affected, and the conservation authority that has jurisdiction over any lands in the area or, if no such conservation authority exists, the Minister of Natural Resources.

Appeal
to
Tribunal

(2) Where a petitioner,

- (a) receives notice under clause *a* of subsection 1 of a decision of the council not to proceed with the drainage works; or
- (b) has not, within thirty days after the filing of the petition, received notice of a decision of the council,

the petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area

described in the petition, the Minister may refer the matter to the Tribunal, and the Tribunal may confirm the decision of the council or direct the council to make such decision and to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New.*

6.—(1) Upon receipt of a notice from the initiating municipality under subsection 1 of section 5, a local municipality, conservation authority or the Minister of Natural Resources, as the case may be, may send to the council of the initiating municipality within thirty days a notice that an environmental appraisal of the effects of the drainage works on the area is required, and the cost thereof shall be paid by the party who requested it.

Notice that
environ-
mental
appraisal is
required

(2) The council of the initiating municipality may obtain an environmental appraisal on its own initiative, the cost of which shall be paid by the municipality from its general funds.

Authorization
for environ-
mental
appraisal

(3) The party requesting the environmental appraisal or the council of the initiating municipality, as the case may be, within forty days of receiving the account therefor, may appeal to the Tribunal, and the Tribunal may confirm or vary the account as it considers proper. *New.*

Appeal

7.—(1) The council of any local municipality to which notice was given under subsection 1 of section 5 or the Minister may send to the council of the initiating municipality within thirty days a notice that a benefit cost statement is required and the cost of preparing such statement shall be paid by the party who required it.

Benefit cost
statement

(2) The council of the initiating municipality may obtain a benefit cost statement on its own initiative, the cost of which shall be paid by the municipality from its general funds. *New.*

Idem

8.—(1) Where the council of the initiating municipality has decided to proceed with the drainage works described in a petition, the council shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage as described in the petition and to prepare a report which shall include,

Appointment
of engineer

- (a) plans, profiles and specifications of the drainage works;
- (b) an estimate of the total cost thereof;
- (c) an assessment of the amount or proportion of the cost of the works to be assessed against every parcel

of land and road for benefit, outlet liability and injuring liability;

(d) allowances, if any, to be paid to the owners of land affected by the drainage works; and

(e) such other matters as are provided for under this Act. R.S.O. 1970, c. 136, s. 3 (1), *part, amended*.

Where
engineer is a
corporation,
etc.

(2) Where the engineer appointed under this Act is a corporation, association or partnership, the appointee shall, within ten days of the date of appointment, notify the council of the name of the individual engineer who will have charge of the project and who will remain in charge until the report is filed and if for any reason the designated engineer ceases to be employed by the appointee, the appointee shall within ten days of such time notify the council of the name of his replacement.

Appeal
or referral
to Tribunal

(3) Where the council fails to appoint an engineer within sixty days after giving notice of its decision to proceed, any petitioner may appeal to the Tribunal or, where the petition was signed by the Director or where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New*.

One report
on two or
more
petitions

(4) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. R.S.O. 1970, c. 136, s. 7 (1).

Notice

9.—(1) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send at least seven days written notice in the Form prescribed by the regulations to each owner of lands within the area requiring drainage as described in the petition and to each public utility that may be affected by the petition setting out the time and place of an on-site meeting with the engineer to examine the area.

Duty of
engineer

(2) At the on-site meeting, the engineer shall,

(a) determine the area requiring drainage;

(b) determine whether the petition complies with section 4 for the area requiring drainage; and

- (c) where he is of opinion that the petition fails to so comply, establish the requirements for a petition to comply with section 4.

(3) Where the engineer is of opinion that the petition ^{Idem} complies with section 4, he shall proceed to prepare his report or a preliminary report, as the case may be.

(4) Where the engineer is of opinion that the petition ^{Report of engineer} does not comply with section 4, he shall so report to the council of the initiating municipality stating wherein the petition is deficient, the amount of his fees and by whom they shall be paid, and the council shall forthwith send a copy of such opinion to each petitioner.

(5) Where, within sixty days of the engineer's reporting ^{Fees to form part of costs} to council under subsection 4, a petition that complies with the requirements of section 4 is filed with the clerk of the council,

- (a) the council shall instruct the engineer to prepare his report, or a preliminary report, as the case may be; and

- (b) the fees mentioned in subsection 4 shall form part of the cost of the drainage works. *New.*

10.—(1) Where the council of the initiating municipality ^{Preliminary report} deems it expedient, it may, or if it has received notice under section 6 that an environmental appraisal is required, it shall instruct the engineer to prepare a preliminary report containing a sketched plan of the drainage works and an estimate of the cost thereof in so far as it is practicable to do so, and which shall include the environmental appraisal, if any, and the benefit cost statement, if any, and the engineer shall forthwith prepare and file such a preliminary report with the council.

(2) Upon the filing of the preliminary report, the council ^{Consideration of report} of the initiating municipality shall cause the clerk to send a copy of the preliminary report and a notice of the date of the council meeting at which the preliminary report will be considered, to,

- (a) every owner of land within the area requiring drainage as determined by the engineer or described in the petition, as the case may be;
- (b) any public utility or road authority that may be affected by the drainage works;

- (c) any local municipality and conservation authority entitled to notice under section 5 or, if no authority is entitled to notice, to the Minister of Natural Resources; and
- (d) the Minister.

Withdrawal
from
petition

(3) At the meeting referred to in subsection 2, the council shall consider the preliminary report and shall give to any person who signed the petition an opportunity to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and to any person present who owns land in the area requiring drainage and has not signed the petition an opportunity to do so.

Cost of
petition and
preliminary
report

(4) If at the end of the meeting the petition does not contain a sufficient number of names to comply with section 4, the original petitioners are chargeable in equal shares with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and preliminary report, excluding the amount of any grants and the costs of any environmental appraisal or benefit cost statement, and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable and shall be collected in the same manner as real property taxes.

Instruction
to engineer

(5) If at the end of the meeting, the petition contains a sufficient number of names to comply with section 4, the council may instruct the engineer to proceed with the preparation of his report.

Appeal to
Tribunal

(6) Where the council of the initiating municipality fails to instruct the engineer to proceed with the preparation of his report, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper.

Idem

(7) Where any party mentioned in clause *a*, *b* or *c* of subsection 2 is dissatisfied with the environmental appraisal, an appeal lies to the Tribunal.

Referral to
Tribunal

(8) Where,

(a) lands used for agricultural purposes are included in the area to be drained, the Minister; or

(b) a conservation authority or regional office of the Ministry of Natural Resources reports to the Minister

of Natural Resources that the environmental appraisal is unsatisfactory, the Minister of Natural Resources,

may refer the environmental appraisal to the Tribunal.

(9) An appeal under subsection 7 or a reference under subsection 8 shall be made within forty days after the meeting referred to in subsection 2, and the Tribunal may confirm the environmental appraisal or direct that it be reconsidered in such respects as the Tribunal considers proper. *New.* Powers of Tribunal

ENGINEER'S REPORT

11. The engineer shall, to the best of his skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to him in connection with any drainage works and make a true report thereon. R.S.O. 1970, c. 136, s. 5. Duties of engineer

12.—(1) The engineer or any of his assistants when engaged in the performance of their duties during or after the examination of the locality may enter, measure along, ascertain the bearings of any line, plant the stakes that they consider necessary for the performance of the work and take levels on the land of any person. R.S.O. 1970, c. 136, s. 6 (1). Power to enter on lands

(2) Every person who wilfully interferes with or obstructs the engineer or any of his assistants in the exercise of the powers conferred by this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 6 (2), *amended*. Offence, obstruction of engineer

13.—(1) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a drainage works may be governed, and shall in his report record the description, location and elevation of every bench mark or permanent level. R.S.O. 1970, c. 136, s. 7 (3). Duties re survey

(2) Every person who interferes with, removes or destroys any bench mark or permanent level established under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 7 (4), *amended*. Offence, interference with bench marks

14.—(1) Subject to subsection 2, the construction of a drainage works by means of the improvement of a natural watercourse shall not include a covered drainage works, Providing capacity for covered drainage works

unless the part of the drainage works in which the covered drainage works is included provides capacity for all the surface water from the lands and roads draining naturally towards and into it and for all the waters from all the lands and roads assessed for the drainage works. R.S.O. 1970, c. 136, s. 3 (3), *amended*.

Covered
drainage
works may
be employed

(2) A covered drainage works may be employed in conjunction with an open drain provided that the total capacity of the system is sufficient for the purposes of subsection 1. *New*.

Sufficient
outlet

15. Subject to section 32, every drainage works constructed under this Act shall be continued to a sufficient outlet. R.S.O. 1970, c. 136, s. 4 (5), *amended*.

Report re
disposal
of material
taken from
drainage
works

16. The engineer in his report shall determine in what manner the material taken from any drainage works in the construction, improvement, repair, or maintenance thereof shall be disposed of. R.S.O. 1970, c. 136, s. 8 (1), *amended*.

Bridges and
culverts
on roads

17. The engineer in his report shall provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage works rendered necessary by the drainage works crossing any public road or part thereof. R.S.O. 1970, c. 136, s. 8 (2), *amended*.

Construction
of bridges,
etc.

18. Subject to section 33, the engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges, culverts, pumping stations and water gates rendered necessary by the drainage works and he shall include the cost of the construction or the replacement, enlargement or other improvement of such bridges, pumping stations, water gates and culverts, in his assessment for the construction, improvement, maintenance or repair of the drainage works, and they shall, for the purposes of maintenance or repair be deemed part of the drainage works. R.S.O. 1970, c. 136, s. 8 (4, 5), *amended*.

Engineer
may
recommend
abandonment
of drain

19. The engineer in his report may recommend the abandonment of any drain or part thereof that is no longer useful or that is being supplanted by a new drainage works. *New*.

Continuing
drainage
works
beyond
limits
of
municipality

20.—(1) Where it is considered necessary to continue a drainage works beyond the limits of the initiating municipality, the engineer employed by the council of such municipality may continue the drainage works on or along or across any road allowance or other boundary between any two or more municipalities, and from any such road allowance

or other boundary into or through any municipality until he reaches a sufficient outlet.

(2) A drainage works shall not be deemed to be continued into a municipality other than the initiating municipality merely by reason of such drainage works or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities. R.S.O. 1970, c. 136, s. 10, *amended*. Where drainage works not deemed outside initiating municipality

ASSESSMENTS

21. The engineer in his report shall assess for benefit, outlet liability and injuring liability, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor. R.S.O. 1970, c. 136, s. 15 (1). Engineer to distinguish assessments

22. Lands, roads, buildings, utilities or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance or repair of a drainage works may be assessed for benefit. *New.* Assessment for benefit

23.—(1) Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability. Outlet liability, lands assessed for

(2) If, from any land or road, water is artificially caused by any means to flow upon and injure any other land or road, the land or road from which the water is caused to flow may be assessed for injuring liability with respect to a drainage works to relieve the injury so caused to such other land or road. Injuring liability, lands assessed for

(3) The assessment for outlet liability and injuring liability provided for in subsections 1 and 2 shall be based upon the volume and rate of flow of the water artificially caused to flow upon the injured land or road or into the drainage works from the lands and roads liable for such assessments. Basis of assessment

(4) The owners of the lands and roads made liable to assessment only under subsection 1 or 2 shall neither count for nor against the petition required by section 4 unless within the area therein described. R.S.O. 1970, c. 136, s. 16. Certain owners not to count for or against petition

24. The engineer may assess for special benefit any lands for which special benefits have been provided by the drainage works. *New.* Assessment for special benefit

Engineer
may
assess a
block, etc.

25.—(1) The council of the local municipality may direct the engineer to assess as a block, a built-up area designated by the council, and the sum assessed therefor may be levied against all the rateable properties in the designated area *pro rata* on the basis of the assessed value of the land and buildings.

Assessment
to be
charged
against
public
roads

(2) Where the engineer makes a block assessment under subsection 1, he shall designate the proportion of the assessment to be charged against the public roads in the designated area. *New.*

Increased
cost,
how borne

26. In addition to all other sums lawfully assessed against the property of a public utility or road authority under this Act, and notwithstanding that the public utility or road authority is not otherwise assessable under this Act, the public utility or road authority shall be assessed for and shall pay all the increase of cost of such drainage works caused by the existence of the works of the public utility or road authority. R.S.O. 1970, c. 136, s. 21 (3), *amended.*

Assessment
where
drainage
works
continued
beyond
limits of
municipality

27. Where a drainage works is continued into or through a municipality other than the initiating municipality under section 20, the engineer may assess, regardless of municipal boundaries, all lands and roads that, in his opinion, should be assessed for benefit, outlet liability or injuring liability, with such proportion of the cost of the drainage works as appears just, and in his report thereon he shall estimate separately the cost of the drainage works within each municipality and upon the road allowances or other boundaries. R.S.O. 1970, c. 136, s. 10 (1), *part, amended.*

Assessing
lands
in
neighbouring
municipality

28. Where any lands or roads in or under the jurisdiction of a local municipality, other than the local municipalities into or through which the drainage works passes, are, in the opinion of the engineer of the initiating or other municipality doing the work or part thereof, benefitted by the drainage works or provided with an improved outlet or relieved from injuring liability, he may assess the cost of the construction, improvement, maintenance or repair of the drainage works in the same manner as is provided in section 27. R.S.O. 1970, c. 136, s. 9, *amended.*

ALLOWANCES AND COMPENSATION

Allowances
for right
of way, etc.

29. The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use,

- (a) for the construction or improvement of a drainage works;

- (b) for the disposal of material removed from drainage works;
- (c) as a site for a pumping station to be used in connection with a drainage works; or
- (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right of way is sufficient for the purposes of the drainage works,

the value of any such land or the damages, if any, thereto. R.S.O. 1970, c. 136, s. 8 (8).

30. The engineer shall determine the amount to be paid to persons entitled thereto for damage, if any, to ornamental trees, lawns, fences, lands and crops occasioned by the disposal of material removed from a drainage works and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works. R.S.O. 1970, c. 136, s. 8 (1), *amended*.

Amount
for damage
to ornamental
trees, etc.

31. Where an existing drain that was not constructed on requisition or petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part. R.S.O. 1970, c. 136, s. 8 (7), *amended*.

Allowance
for existing
drains

32. Where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, he may include in his estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in his report he shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries. R.S.O. 1970, c. 136, s. 8 (9).

Allowance
for damage
due to
insufficient
outlet

33. Where the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance. R.S.O. 1970, c. 136, s. 8 (6).

Allowance
for
severance

Prior
assessments
to be
taken
into
consideration

34. In fixing the sum to be assessed upon any land or road, the engineer may take into consideration any prior assessment or allowance on the same land or road for the construction, improvement, maintenance or repair of a drainage works and make such adjustment therefor as appears just, and in his report he shall state the adjustment so made. R.S.O. 1970, c. 136, s. 15 (2), *amended*.

Assessment
may be
shown
in money

35. The assessment upon any land or road for a drainage works shall be shown by the engineer placing in a schedule to his report sums of money opposite the land or road, and, where he considers it advisable, the fractional part of the whole cost to be borne by the land or road. R.S.O. 1970, c. 136, s. 14, *amended*.

Assessment
of affected
land

36. The engineer, in assessing the lands and roads requiring drainage or otherwise liable for assessment under this Act, shall show in his report the approximate number of acres affected by the drainage works in each parcel of land assessed for the drainage works. R.S.O. 1970, c. 136, s. 13.

Engineer
to assess
separately

37. The engineer in his report shall list separately the lands in each municipality that are assessed for a drainage works and shall indicate the assessment for the cost of lateral drains and the assessments of lands that are not agricultural lands. R.S.O. 1970, c. 136, s. 17.

Variation in
assessments
for
maintenance
and repair

38. Where the engineer considers it equitable that the cost of the maintenance and repair of a drainage works be assessed upon a basis different from that upon which the cost of its construction or improvement is assessed, he shall determine and report the basis upon which the cost of maintenance and repair of the drainage works or of any part or parts thereof shall be assessed. R.S.O. 1970, c. 136, s. 18, *amended*.

Time for
filing
report

39.—(1) The engineer shall file his report with the clerk of the initiating municipality as soon as it is completed or in any event within six months after his appointment, or within such further time as may be extended before or after the expiry of such six-month period by the council of the municipality by resolution. R.S.O. 1970, c. 136, s. 22 (1), *amended*.

Engineer
may forfeit
compensation

(2) Where, after thirty days notice by council, the engineer neglects to make his report within the time limited by or extended under this section, he shall forfeit all claims for compensation for the work done by him upon the drainage works, and the council of the local municipality may appoint another engineer. R.S.O. 1970, c. 136, s. 22 (2), *amended*.

(3) A by-law passed by the council of any local municipality for the construction of a drainage works under this Act shall not be quashed by reason only that the report of the engineer was not filed within the time limited by or extended under this section. R.S.O. 1970, s. 136, s. 22 (3).

By-law
not invalid
by reason
report
not filed

40. Where the engineer finds that a drainage works is not required or is impractical, or cannot be constructed under this Act, he shall forthwith file with the clerk of the initiating municipality a report to that effect, stating his reasons therefor, the amount of his fees and other charges and by whom they shall be paid, and the clerk shall forthwith send a notice of the filing of such report, by prepaid mail, to all persons who signed the petition or requisition, as the case may be, and the matter shall not be further proceeded with unless the decision of the engineer is reversed on appeal. R.S.O. 1970, c. 136, s. 8 (10).

Engineer's
finding,
drainage
works
not
required,
etc.

41.—(1) Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within thirty days of the filing of the report, cause the clerk of the initiating municipality to send a copy of the report and a notice by prepaid mail stating,

Notice of
drainage
works

- (a) the date of the filing of the report;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting at which the report will be considered,

to

- (d) the owners, in the initiating municipality, as shown by the last revised assessment roll to be the owners of lands and roads assessed for the drainage works or for which compensation or other allowances have been provided in the report;
- (e) the clerk of every other local municipality in which any land or road that is assessed for the drainage works or for which compensation or other allowances have been provided in the report is situate;
- (f) the secretary-treasurer of each conservation authority that has jurisdiction over any land affected by the report;

- (g) any railway company, public utility or road authority affected by the report, other than by way of assessment;
- (h) the Minister of Natural Resources where land under his jurisdiction may be affected by the report; and
- (i) the Director. R.S.O. 1970, c. 136, s. 24 (1, 2), *amended*.

Clerk to
notify
persons
assessed

(2) The clerk of every other local municipality in which any land or road that is assessed for the drainage works or for which compensation or other allowances have been provided in the report is situate shall send within thirty days of the sending of the last notice under subsection 1 a copy of the report and notice by prepaid mail to the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in such municipality assessed for the drainage works, or for which compensation or other allowance has been provided in the report stating,

- (a) the date of the filing of the report;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting of the initiating municipality at which the report will be considered. R.S.O. 1970, c. 136, s. 24 (3), *amended*.

Council
meeting for
consideration
of report

(3) The date of the council meeting at which the report will be considered shall be not less than ten days after the last notice has been mailed pursuant to subsections 1 and 2. R.S.O. 1970, c. 136, s. 24 (6), *amended*.

By-law
not to be
quashed

(4) A by-law passed by the council of any local municipality in connection with the construction of a drainage works under this Act shall not be quashed by reason only that any notices required under this section were not sent within the specified time limits. *New*.

Consideration
of report

42. The council of the initiating municipality at the meeting mentioned in section 41 shall consider the report, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity

to do so, and should any of the lands or roads owned by the municipality within the area requiring drainage as described in the petition be assessed, the council may by resolution authorize the head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. R.S.O. 1970, c. 136, s. 25, *amended*.

43. If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 42 do not comply with section 4, the original petitioners on their respective assessments in the report are chargeable *pro rata* with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable, and shall be collected in the same manner as real property taxes. R.S.O. 1970, c. 136, s. 26 (2), *amended*. Liability of original petitioners

44. If, at the end of such council meeting, the petition contains a sufficient number of names to comply with section 4, the council may proceed to adopt the report, and, subject to section 59, no person having signed the petition shall, after the adoption of the report, be permitted to withdraw. R.S.O. 1970, c. 136, s. 26 (1), *amended*. Sufficiency of petition

45.—(1) A report may be adopted by by-law in the Form prescribed by the regulations and, when such by-law is given two readings by council, the report shall be deemed to be adopted and the by-law shall be known as a provisional by-law. R.S.O. 1970, c. 136, s. 27. Adoption of report

(2) Where a report is not adopted by council, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal. *New.* Appeal or referral to Tribunal

46.—(1) The council of the initiating municipality shall, within five days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the first sitting of the court of revision by prepaid mail to every other local municipality in which any land or road is assessed for the drainage works or for which allowance or compensation has been provided for in the report. Notice of court of revision to be sent to local municipalities and to owners

(2) The council of the initiating municipality and of every local municipality to whom a copy of the provisional by-law Idem

is sent under subsection 1 shall, within thirty days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each owner entitled to notice under section 41 informing the owner that he may appeal his assessment to the court of revision by a notice given to the clerk of the initiating municipality not later than ten days prior to the first sitting of the court of revision. R.S.O. 1970, c. 136, s. 29, *amended*.

Sittings
of court

(3) The first sitting of the court of revision shall be held on a day not earlier than twenty nor later than thirty days from the date of completing the mailing of the copies of the provisional by-law under subsection 2. R.S.O. 1970, c. 136, s. 31 (2), *amended*.

APPEALS

Appeal
from
report
to referee

47.—(1) Any owner of land or public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that it does not comply with the requirements of this Act, or that the engineer has reported that the drainage works cannot be constructed under section 4, may appeal to the referee and in every case a written notice of appeal shall be served upon the council of the initiating municipality within forty days after the mailing of the notices under section 41. R.S.O. 1970, c. 136, s. 36, *amended*.

Notice to
court
clerk

(2) Upon receipt of a notice of appeal under subsection 1, the clerk of the municipality shall forthwith record the notice and send a copy of the notice to the clerk of the court of the referee. R.S.O. 1970, c. 136, s. 36, *amended*.

Appeal to
Tribunal

48.—(1) Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that,

- (a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
- (b) the drainage works should be modified on grounds to be stated;
- (c) the compensation or allowances provided by the engineer are inadequate or excessive;
- (d) the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed under section 3,

may appeal to the Tribunal, and in every case a written notice of appeal shall be served within forty days after the mailing of the notice under section 40 or 41. R.S.O. 1970, c. 136, ss. 36, 37, *amended*.

(2) Where lands used for agricultural purposes may be affected by the drainage works, the Director may appeal to the Tribunal on any of the grounds and in the manner mentioned in subsection 1. *New*. Appeal by
Director

49. Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority has jurisdiction, the authority may appeal from the report of the engineer to the Tribunal on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under *The Conservation Authorities Act*, and in every case a written notice of appeal shall be served within forty days after the mailing of the notices under section 41. R.S.O. 1970, c. 136, s. 35, *amended*. Appeal by
conservation
authority

R.S.O. 1970,
c. 78

50.—(1) The council of any local municipality to which a copy of the report was sent under section 41 may, within forty days after the report is sent to the clerk, appeal to the Tribunal from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal. R.S.O. 1970, c. 136, s. 38 (1). Appeal by
municipality

(2) The reasons for appeal may be the following, or any of them, Reasons for
appeal

- (a) that the proposed drainage works as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
- (b) that the course of the drainage works or any part thereof should be altered;
- (c) that the drainage works does not provide a sufficient outlet;
- (d) that the drainage works should be carried to an outlet in the initiating municipality or elsewhere;
- (e) that a petition has been received by the council of the appealing municipality, as provided by section 4, for the enlargement by the appealing municipality of any part of a drainage works lying within its limits, and thence to an outlet, and that the council

is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;

(f) the work is unnecessary; or

(g) that the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive. R.S.O. 1970, c. 136, s. 38 (2), *amended*.

Powers of
Tribunal

51.—(1) On any appeal or reference to the Tribunal under this Act, the Tribunal shall hear and determine the matter and, where not so provided, may make such order and direct such things to be done as are authorized by this Act and as it considers proper to carry out the purposes of this Act.

Parties

(2) The parties to an appeal or reference to the Tribunal under this Act shall be the person making the appeal or reference and such other persons as the Tribunal may specify. *New*.

Appeals

52.—(1) Any owner of land assessed for the drainage works who complains that his or any other land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given as to type of use of land, may personally, or by his agent, appeal to the court of revision by giving notice in writing to the clerk of the initiating municipality setting out the grounds of his appeal, and the appeal shall be heard by the court of revision. R.S.O. 1970, c. 136, s. 31 (1), *amended*.

Notices of
appeal

(2) Every notice of appeal shall be given at least ten days before the first sitting of the court, but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as appear just. R.S.O. 1970, c. 136, s. 31 (3), *amended*.

Adjournment
of court
or Tribunal

53. When the ground of appeal is that lands or roads are assessed too high and the evidence adduced satisfies the court of revision or Tribunal that the assessments on such lands or roads should be reduced and there is no evidence to indicate that the amount of such reduction should be levied against lands or roads whose owners are parties to appeals then pending before the court of revision or Tribunal, the court or Tribunal shall adjourn the hearing of the appeal

for a time sufficient to enable the clerk to notify by prepaid mail such persons as the appellant may specify who are shown by the last revised assessment roll to be owners of land affected of the date to which the hearing is adjourned, and the clerk shall so notify all such persons, and at such adjourned hearing the court or Tribunal shall dispose of the matter of appeal and, where appropriate, redistribute the assessments in such manner as appears just. R.S.O. 1970, c. 136, s. 32, *amended*.

54.—(1) Any party to an appeal before the court of revision may appeal to the Tribunal by giving notice addressed to the clerk of the Tribunal, given to the clerk of the initiating municipality, from the decision of the court of revision or from its omission, neglect or refusal to hear or decide an appeal within twenty-one days of the pronouncement of the decision of the court of revision or of any matter evidencing such omission, neglect or refusal. R.S.O. 1970, c. 136, s. 33 (1), *amended*. Appeal to Tribunal

(2) The clerk of the Tribunal shall give ten days notice to an appellant of the time and place of the hearing of the appeal by the Tribunal. Notice

(3) Every appeal shall be heard by the Tribunal by way of a trial *de novo* and shall be disposed of by the Tribunal in such manner as it considers proper, and its decision is final. Procedure
New.

55. In any appeal to the court of revision or to the Tribunal in which the engineer is called upon to give evidence as to how an assessment was determined, he shall give his evidence before the appellant presents his case. *New*. Evidence by engineer

56. Any change in an assessment made by the court of revision or by the Tribunal shall be given effect to by the clerk of the local municipality altering the assessments and other parts of the schedule to comply therewith and sending notice thereof to the owners affected, and the provisional by-law shall, before the passing thereof, be amended to carry out any changes so made by the court of revision or by the Tribunal. R.S.O. 1970, c. 136, s. 34, *amended*. Clerk to alter assessments

57. The council of the initiating municipality, at any time before passing the by-law, if it appears that there are or may be errors in the report of the engineer or that for any other reason the report should be reconsidered, may refer the report back to him for reconsideration, and the engineer shall thereupon reconsider his report and shall further report to the council, which report has the same effect and shall be Referral back to engineer

dealt with in the same manner and the proceedings thereon shall be the same as upon the original report. R.S.O. 1970, c. 136, s. 28, *amended*.

By-law
may be
passed

58.—(1) Where the council of an initiating municipality has adopted a report for the construction of a drainage works after the time for appealing has expired and there are no appeals or after all appeals have been decided, the council may pass a provisional by-law thereby authorizing the construction of the drainage works, and work may be commenced ten days after the by-law is passed if no notice of intention to make application to quash the by-law has been filed with the clerk of the council. R.S.O. 1970, c. 136, s. 40, *amended*.

Quashing
of by-law

(2) If no notice of intention to make application to quash a by-law is filed with the clerk of the council within ten days after the passing of the by-law or, where a notice of intention has been given, if an application to quash is not made to the referee within three months after the passing of the by-law, the by-law, or so much thereof as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms, so far as it prescribes or directs anything within the proper competence of the council. R.S.O. 1970, c. 136, s. 44.

Repeal of
by-law

(3) A by-law may be repealed at any time before the work is commenced and before any assessment has been levied against the land assessed, and in such case the council of the initiating municipality shall pay all expenses in connection therewith out of the general funds of the municipality. R.S.O. 1970, c. 136, s. 42, *amended*.

Where
error in
report

(4) If, at any time after the by-law is passed and before any assessments are levied, a gross error in the report is found, the council of the initiating municipality may on notice to all persons assessed apply to the Tribunal to correct the error.

Appeal to
Tribunal

(5) Where the council does not proceed with reasonable dispatch with the construction of the work after passage of the by-law, a petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New*.

Meeting
to consider
contract
price

59.—(1) Where the contract price exceeds 133 per cent of the engineer's estimate of the contract price, the council of the initiating municipality shall call a meeting in the

manner prescribed by section 41, and sections 42 and 43 apply *mutatis mutandis*.

(2) If at the close of the meeting the petition contains a sufficient number of names to comply with section 4, the council may proceed with the construction of the drainage works. *New.* Council may proceed with construction

60. The council of each local municipality to which a copy of the report is required to be sent under subsection 1 of section 41 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction of the drainage works within a reasonable time after the drainage works has been certified complete by the engineer or drainage superintendent. R.S.O. 1970, c. 136, s. 41 (1), *amended*. Municipalities required to raise cost

61.—(1) The council of each local municipality that is required to raise the whole or any part of the cost of the construction of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe. R.S.O. 1970, c. 136, s. 41 (2), *amended*. Imposition of special assessment

(2) The council of any local municipality may provide that persons whose lands are assessed may commute for a payment in cash the assessments imposed thereon and may prescribe the terms and conditions thereof. R.S.O. 1970, c. 136, s. 41 (3). Commutation of special assessment

(3) Where the assessment against any parcel of land is \$50 or less, the council of the local municipality may provide that the assessment shall be paid out of the general funds of the municipality or that the assessment shall be paid in the first year in which the assessment is imposed upon the land assessed. R.S.O. 1970, c. 136, s. 41 (4), *amended*. Assessments of \$50 or less

(4) The assessments and rates imposed under this Act shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default of payment thereof, apply. R.S.O. 1970, c. 136, s. 41 (5). Application of R.S.O. 1970, c. 284

(5) Notwithstanding the provisions of any general or special Act, land exempt from taxation is for all purposes, except petitioning for or against undertaking a drainage works, subject to the provisions of this Act and shall be Lands exempt from taxation to be specially assessed

assessed, and the assessments so imposed that fall due while such land remains exempt from taxation shall be paid by the municipality that imposed the assessments, provided that such assessments imposed upon land on which a church or place of worship is erected and that is used in connection therewith, land of a university, college or seminary of learning, whether vested in a trustee or otherwise, and land of a board of an elementary or secondary school as defined in *The Education Act, 1974* and land owned by a county or a regional municipality, shall be paid by the owners of the land. R.S.O. 1970, c. 136, s. 41 (6), *amended*.

1974, c. 109

Amendment
of by-law

62.—(1) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works that has been acted upon by the completion of the drainage works in whole or in part shall, where more than sufficient funds or where insufficient funds have been provided for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they become payable, be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus or deficiency of money shall be divided *pro rata* among the contributing municipalities, and every such surplus or deficiency shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the drainage works. R.S.O. 1970, c. 136, s. 48 (1, 3), *amended*.

When lands
and roads
in another
municipality
assessable

(2) Where a by-law provides insufficient funds and lands and roads in another municipality are assessed for the drainage works, the council of the initiating municipality shall appoint an engineer to make an examination of the drainage works and report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall notify the heads of the other local municipalities as in the case of the original report, and the council of any municipality so notified has a right of appeal to the Tribunal in the manner provided by section 50 on the grounds of the improper expending or unlawful or other application of the drainage money already raised and is subject to the same duty, as to raising and paying over its share of the money to be raised, as in the case of the original by-law. R.S.O. 1970, c. 136, s. 48 (2), *amended*.

Respon-
sibility
of owner
for
payment

(3) Where any allowance or compensation has been determined for an owner under sections 29 to 33, the council may, where the amount so determined is less than the total amount owing from that owner, deduct from that total the amount so determined and the owner shall be responsible for paying the balance in the manner prescribed by the by-law.

(4) Where any allowance or compensation mentioned in subsection 3 exceeds the total amount owing by the owner, the municipality shall pay the balance to him. *New.* Payment of balance

CONSTRUCTION

63.—(1) The contractor and his assistants when engaged in the construction, maintenance, improvement or repair of a drainage works may, with their equipment, enter upon whatever lands are necessary to complete the work within the working space designated in the engineer's report. Powers of contractor

(2) Every person who wilfully interferes with or obstructs the contractor or any of his assistants in the exercise of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. *New.* Penalty for obstruction

64. Any owner of land dissatisfied with the quality of the construction of a drainage works constructed under this Act may, at any time during construction or up to one year from the date of completion of the drainage works as certified by the engineer or drainage superintendent of the drainage works, appeal to the Tribunal on grounds to be stated. *New.* Appeal by owner of land

SPECIAL PROVISIONS

65.—(1) Subject to subsection 6, where a parcel of land has been assessed by an engineer and, after the final revision of the assessment, the parcel is divided by the change in ownership of any part, the clerk of the local municipality in which the parcel is situate shall instruct an engineer in writing to apportion the assessment charged against the parcel among the parts into which it is divided. Subsequent subdivision of land

(2) The clerk of the local municipality shall forthwith send a copy of the instructions by prepaid mail to the owners of the parts into which the parcel is divided. Notice to affected owners

(3) The engineer in making the apportionment shall have regard to the part of the parcel affected by the drainage works, and shall make the apportionment in writing and file it with the clerk of the local municipality who shall attach it to the original assessment and shall send, by prepaid mail, a copy thereof to each of such owners, and, subject to subsection 5, the apportionment is binding upon the lands assessed. R.S.O. 1970, c. 136, s. 19 (1-3). Apportionment of assessment

(4) The costs, including the fees of the engineer, shall be borne and paid by the parties in the manner fixed or Costs

apportioned by the engineer or, on appeal, by the Tribunal. R.S.O. 1970, c. 136, s. 19 (4), *amended*.

Appeal of
apportion-
ment

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the Tribunal within forty days after the date a copy of the apportionment is sent to him by the clerk. R.S.O. 1970, c. 136, s. 19 (5), *amended*.

Agreement
on share
of
assessment

(6) When the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay, they may enter into a written agreement and file it with the clerk of the local municipality and, if the agreement is approved by the council by resolution, no engineer need be instructed under subsection 1. *New*.

Subsequent
connections
with drainage
works

66.—(1) Where an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works, regard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality. R.S.O. 1970, c. 136, s. 20 (1), *amended*.

Use of
amount
collected

(2) The amount collected under subsection 1 shall be credited to the account of the drainage works and shall be used only for the improvement, maintenance or repair of the whole or any part of the drainage works. R.S.O. 1970, c. 136, s. 20 (2), *amended*.

Tenant's
covenant
to pay taxes,
when to
include
drainage
assessments

67. Any agreement on the part of a tenant to pay the rates or taxes in respect of the demised land does not include the charges and assessments for a drainage works unless the agreement in express terms so provides, but, in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for a drainage works, in connection with which proceedings were commenced under this Act after the date of the contract or lease and which have already been paid by the owner, shall in the absence of any agreement to the contrary, be added to the price and shall be paid by the purchaser or the lessee where he exercises his option to purchase, but the amount still unpaid on the cost of the drainage works and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. R.S.O. 1970, c. 136, s. 47, *amended*.

68. Where compensation or allowance has been paid to the owner of any land under section 32 or 33, the clerk of the local municipality shall cause to be registered in the proper land registry office a copy of the by-law adopting the report together with a statement of the amount paid and a description of the land in respect of which the amount was paid in the Form prescribed in the regulations. *New.*

Registration
of by-law

69.—(1) Where a drainage works or a part thereof is to be constructed, improved, maintained or repaired upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility or road authority, the public utility or road authority may construct, improve, maintain or repair such drainage works or part. R.S.O. 1970, c. 136, s. 21 (1), *amended.*

Public
utility
or road
authority,
option to
construct
drainage
works

(2) Where the public utility or road authority does not exercise its powers under subsection 1 or does not complete such drainage works or part within a reasonable time and without unnecessary delay, such drainage works or part may be completed by the initiating municipality in the same manner as any other drainage works. R.S.O. 1970, c. 136, s. 21 (2), *amended.*

Non-exercise
by public
utility
or road
authority

70. The fees and expenditures of the engineer form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 23 (1).

Fees of
engineer
part of cost

71. The account of the engineer shall be set out in such detail as the council of the local municipality that appointed him may require. R.S.O. 1970, c. 136, s. 23 (2).

Account
of
engineer

72.—(1) The council of the local municipality, within forty days after the engineer's account is presented to the clerk of the municipality, may, on notice to the engineer, apply to the Tribunal, which shall review the account and make any alteration it considers just. R.S.O. 1970, c. 136, s. 23 (3), *amended.*

Review by
Tribunal

(2) Where the account as confirmed or altered by the Tribunal exceeds \$1,000, either party may, on notice to the other party, appeal the decision of the Tribunal to the referee, whose decision is final. R.S.O. 1970, c. 136, s. 36.

Appeal
to referee

(3) In any application made under subsection 1, it shall not be necessary to notify all persons assessed for the drainage works. *New.*

Non-
requirement
of notice

Costs to
be deemed
part of cost
of drainage
works

73.—(1) Except where otherwise provided in this Act or by a decision on an appeal, the cost of any application, reference or appeal and the cost of temporary financing for the construction, improvement, repair and maintenance of a drainage works, shall form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 46, *amended*.

Cost of
council
meetings

(2) The cost of council meetings and special council meetings shall not be included in the cost of the drainage works. *New*.

Fees of
clerk

(3) The council of a local municipality may by by-law provide for payment to the clerk of the municipality of reasonable fees or other remuneration for services performed by him in carrying out the provisions of this Act, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 43, *amended*.

MAINTENANCE, REPAIR AND IMPROVEMENT

Maintenance
of drainage
works and
cost

74. Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained and repaired by each local municipality through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of all the upstream lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality; such provision for maintenance or repair is varied or otherwise determined by an engineer in a report or on appeal therefrom. R.S.O. 1970, c. 136, s. 49, *amended*.

Service of
copy of
by-law
on municipi-
pality liable
for con-
tribution
and appeal
from by-law

75.—(1) The council of any local municipality undertaking the repair of a drainage works without the report of an engineer, shall, before commencing the repairs,

- (a) give two readings to a by-law for undertaking such repairs, which by-law shall recite the description, extent and estimated cost of the repairs to be done and the amount to be contributed therefor by each local municipality affected by the drainage works and shall be known as a provisional by-law; and
- (b) serve upon the head or clerk of any municipality liable to contribute any portion of the cost of such repairs a copy of the provisional by-law,

and the council of any municipality so served may, within forty days thereafter, appeal from such by-law to the Tribunal on the ground that work provided for in the by-law is unnecessary or that such drainage works has never been completed through the default or neglect of the municipality whose duty it was to do the work. R.S.O. 1970, c. 136, s. 50 (1), *amended*.

(2) The council of every municipality served with a copy of the provisional by-law shall, forthwith after the time for appealing from such by-law has expired and there are no appeals or after all appeals have been decided, pass a by-law to raise the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as determined on appeal therefrom, and shall pay over such amount within a reasonable time to the Treasurer of the initiating municipality. R.S.O. 1970, c. 136, s. 50 (2). Council to furnish amount required

(3) The council of any municipality shall not be required to assess and levy the amount charged for maintenance or repair of a drainage works more than once in every five years if the total expense incurred does not exceed the sum of \$1,000, in which case sections 64 and 65 of *The Ontario Municipal Board Act* do not apply. R.S.O. 1970, c. 136, s. 57, *amended*. When levy for maintenance required
R.S.O. 1970, c. 323

76.—(1) The council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission. R.S.O. 1970, c. 136, s. 51 (1), *amended*. Varying original assessments for maintenance

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works. R.S.O. 1970, c. 136, s. 51 (2). Proceedings on report of engineer

(3) Any council served with a copy of such report may, within forty days of such service, appeal to the Tribunal from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable. R.S.O. 1970, c. 136, s. 51 (3), *amended*. Appeal from report of engineer

Appeal from
assessment

(4) Any owner of land assessed for maintenance or repair may appeal from the assessment in the report on the grounds and in the manner provided by section 52 in the case of the construction of the drainage works. R.S.O. 1970, c. 136, s. 51 (4), *amended*.

Basis of
future
assessments

(5) An assessment determined under this section shall thereafter, until it is further varied, form the basis of any assessment for maintenance or repair of the drainage works affected thereby. R.S.O. 1970, c. 136, s. 51 (5).

Deepening,
widening
or extending
without
report
of engineer

77.—(1) The council of any local municipality whose duty it is to maintain and repair a drainage works for which only lands and roads within or under the jurisdiction of the municipality are assessed may, after the completion of the drainage works, without the report of an engineer, upon a *pro rata* assessment on the lands and roads as last assessed for the construction, maintenance or repair of the drainage works, make improvements thereto by deepening, widening or extending the drainage works to an outlet, provided the cost of such deepening, widening or extending is not more than \$4,500, but the amount expended may be increased to 20 per cent of the initial cost of the drainage works upon receiving approval as set out in the requirements for a petition of those parties eligible to sign a petition under section 4. R.S.O. 1970, c. 136, s. 52 (1), *amended*.

Moving
drainage
works off
road

(2) Where any road authority desires to relocate a drainage works or part thereof that is on or adjacent to a road under its jurisdiction, upon the report of an engineer appointed by the municipality whose duty it is to maintain and repair the drainage works that the drainage works or part thereof can be moved to a specified new location without impairing the capacity or efficiency of such drainage works or adversely affecting any person or property, the council of a local municipality may authorize such relocation within the boundaries of the municipality at the expense of the road authority. R.S.O. 1970, c. 136, s. 52 (2), *amended*.

Improving,
upon
examination
and report
of engineer

78.—(1) Where, for the better use, maintenance or repair of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, or of lands or roads, it is considered expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs, bridges, pumping stations and other protective works as ancillary to the drainage works, or to otherwise improve,

extend to an outlet or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof may, without the petition required in section 4 but on the report of an engineer appointed by it, undertake and complete the drainage works as set forth in such report. R.S.O. 1970, c. 136, s. 53 (1), *amended*.

(2) An engineer shall not be appointed under subsection 1 until thirty days after a notice advising of the proposed drainage works has been sent by prepaid mail to the secretary-treasurer of each conservation authority that has jurisdiction over any of the lands that would be affected. R.S.O. 1970, c. 136, s. 53 (2), *amended*. Notice to conservation authority

(3) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. Powers and duties of engineer

(4) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall be the same as on a report for the construction of a drainage works and the assessments therein. R.S.O. 1970, c. 136, s. 53 (3, 4). Proceedings on report and appeals

79.—(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and repair the drainage works, the municipality is compellable by an order of the referee to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance and repair or such of the powers and duties as to the referee appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected. R.S.O. 1970, c. 136, s. 54 (1), *amended*. Power to compel repairs

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain and repair drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of maintenance and repair of the drainage works. R.S.O. 1970, c. 136, s. 54 (2). Municipality liable for damages caused by non-repair

(3) The local municipality whose duty it is to maintain and repair a drainage works is not liable in damages for No liability where drainage works blocked by ice or snow

any injury caused by reason of a drainage works being blocked by snow or ice and overflowing the lands of any person without negligence on the part of the municipal corporation. R.S.O. 1970, c. 136, s. 54 (3), *amended*.

Person
responsible
for
obstruction
to remove
it on
notice

80.—(1) When a drainage works becomes obstructed by a dam, low bridge, fence, washing out of a private drain, or other obstruction, for which the owner or occupant of the land adjoining the drainage works is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council of the local municipality whose duty it is to maintain and repair the drainage works or by the drainage superintendent appointed by the council, remove such obstruction and, if it is not so removed within the time specified in the notice, the council or the drainage superintendent shall forthwith cause it to be removed, and the cost thereof is payable to the municipality by the owner or occupant of the land. R.S.O. 1970, c. 136, s. 55 (1), *amended*.

Collection
of cost
of removal

(2) If the cost of removing the obstruction is not paid to the local municipality by the owner or occupant of the land forthwith after the completion of the work, the council may pay the cost, and the clerk of the municipality shall place the amount of cost upon the collector's roll against such land and such amount shall be collected in the same manner as real property taxes. R.S.O. 1970, c. 136, s. 55 (2).

Removal of
minor
obstructions

81. The council, by by-law or resolution, shall direct the drainage superintendent to remove from any drainage works all weeds and brushwood, fallen timber or other minor obstructions for which the owner or occupant of the lands adjacent to the drainage works may not be responsible, and the cost of such work is chargeable as part of the cost of maintenance of the drainage works. R.S.O. 1970, c. 136, s. 56, *amended*.

Municipality
may sue
for cost
of damage
to drainage
works

82.—(1) A municipality in which a drainage works or part thereof is situate may bring an action for damages against any person who destroys or injures in any way a drainage works, including any bench mark or permanent level, and any damages ordered by the referee to be paid shall be paid to the municipality and used for the construction, improvement, maintenance or repair of the drainage works. R.S.O. 1970, c. 136, s. 45, *amended*.

Penalty
for
damage
to drainage
works

(2) Every person who obstructs, fills up or injures or destroys by any means a drainage works is guilty of an offence and on summary conviction, in addition to his liability in

damages, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1970, c. 136, s. 58, *amended*.

83.—(1) Except as authorized by a by-law of the initiating municipality approved by the Ministry of the Environment, Pollution of drains prohibited no person shall discharge or deposit or permit to be discharged or deposited into any drainage works any liquid, material or substance other than unpolluted drainage water. R.S.O. 1970, c. 136, s. 60 (1), *amended*.

(2) Every person who contravenes subsection 1 is guilty Penalty for pollution of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 60 (2), *amended*.

84.—(1) Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own Abandonment of all or part of drainage works not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works or a part thereof, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of its intention to abandon such drainage works, or such part thereof as is specified in the notice, unless any owner within ten days of the mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment. R.S.O. 1970, c. 136, s. 61 (1), *part*.

(2) The council of the initiating municipality may give Idem notice as in subsection 1 of its intention to abandon a drainage works or such part thereof as is specified in the notice without any written request. R.S.O. 1970, c. 136, s. 61 (1), *part*.

(3) If, within such period of ten days, any owner notifies the clerk, the council shall appoint an engineer to examine the drainage works and report his recommendations as to the proposed abandonment, any necessary work in connection therewith, the sale of any assets, the cost of abandonment and all other appropriate matters and shall assess all costs, including his own compensation, and damage allowances against persons liable to assessment in connection with the drainage works in such proportions as appear just. Engineer's report may be required

(4) All proceedings, including appeals, with respect to a report under subsection 1 shall be the same *mutatis mutandis* Procedures on report as on a report for the construction of a drainage works.

Abandonment
by council

(5) If no notice is mailed to the clerk in accordance with subsection 1 or if the engineer's report, as it may be altered on appeal, recommends the abandonment of the drainage works, the council may by by-law abandon the drainage works, and thereafter the municipality has no further obligation with respect to the drainage works.

Disburse-
ment of
remaining
funds

(6) Any money remaining to the credit of the drainage works after it is abandoned shall be divided *pro rata* among the owners of lands and roads assessed therefor. R.S.O. 1970, c. 136, s. 61 (2-5).

GRANTS

Provincial
grants

85. Grants may be made in respect of,

- (a) assessments made under this Act upon lands used for agricultural purposes,
 - (i) for drainage works undertaken in accordance with section 4, 74 or 78 where a report of an engineer describing the current work has been adopted in accordance with this Act, and
 - (ii) for maintenance, repair and minor improvements undertaken on the recommendation of the drainage superintendent within the budgeting limitations established by the Minister for that municipality;
- (b) costs incurred by municipalities in the employment of a drainage superintendent; and
- (c) the total cost of preparing a preliminary report exclusive of the cost of preparing any benefit cost statement and any environmental appraisal. R.S.O. 1970, c. 136, s. 62 (1), *amended*.

When
grants
not to
be made

86.—(1) Subject to subsection 2, grants shall not be made in respect of assessments made under this Act upon lands owned by Canada, Ontario or a municipality or in respect of the assessment of the cost of lateral drains. R.S.O. 1970, c. 136, s. 62 (2), *amended*.

Exception

(2) Grants may be made in respect of lands owned by Ontario and leased for agricultural purposes to a lessee with an option to purchase. *New*.

Payment
of grant

87.—(1) The Minister, upon receipt of a duly completed application for a grant, may pay out of such moneys as are

appropriated therefor by the Legislature to the treasurer of the initiating municipality a grant of,

- (a) where the drainage works is in a municipality within a county or, subject to clause *b*, a regional municipality, $33\frac{1}{3}$ per cent of the assessments eligible for a grant under section 85; or
- (b) where the drainage works is in a municipality or a regional or district municipality within a territorial district or a provisional county, $66\frac{2}{3}$ per cent of the assessments eligible for a grant under section 85. R.S.O. 1970, c. 136, s. 64 (2), *amended*.

(2) Where a drainage works is in territory without municipal organization, an amount not exceeding 80 per cent of the assessments eligible for a grant under section 85 in respect of such drainage works may be paid by the Minister out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 136, s. 65 (2), *amended*. Grants in unorganized territory

(3) Where one or more municipalities employ a drainage superintendent who has qualifications satisfactory to the Minister, the Minister may direct that 50 per cent of the costs incurred by the municipality or municipalities in the employment of such superintendent shall be paid out of the moneys appropriated therefor by the Legislature. *New*. Payment of grant where drainage superintendent employed

88.—(1) Upon the practical completion of the drainage works and after the time for appealing against assessments has expired and there are no appeals or after all appeals against assessments have been decided, the council of the initiating municipality shall forward to the Director an application for a grant in such form as is provided by the Director. R.S.O. 1970, c. 136, s. 64 (1), *amended*. Application for grant

(2) No grant shall be paid in respect of interest charges on any drainage works accruing after 120 days from the completion thereof as certified by the engineer or drainage superintendent. *New*. Grant re interest charges

89.—(1) Where the drainage works is in two or more municipalities, the grant shall be distributed by the treasurer of the initiating municipality among all such municipalities in the proportion that the total of the assessments eligible for a grant in each municipality bears to the total of all assessments eligible for a grant in all of the municipalities. Distribution

(2) The treasurer of each municipality shall apply the amount of the grant received by that municipality to reduce Grant to be applied to reduce assessments

the assessment on each parcel of land in the municipality eligible for a grant in the proportion that each such assessment bears to the total of the assessments eligible for a grant in the municipality. R.S.O. 1970, c. 136, s. 64 (3, 4).

Reduction
of grant

90. The Minister may reduce or withhold a grant on any drainage works if in his opinion the costs other than the contract price are excessive. *New.*

DIRECTOR

Director

91. The Minister may appoint a Director for the purposes of this Act. *New.*

Persons to
advise and
assist

92. The Minister may designate such persons as he considers necessary to advise and assist municipalities and engineers in the application and administration of this Act and any such person who is not a member of the public service of Ontario shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with his reasonable expenses. *New.*

DRAINAGE SUPERINTENDENT AND COMMISSIONERS

Appointment
of drainage
super-
intendent

93.—(1) The council of a local municipality may by by-law appoint a drainage superintendent,

- (a) to initiate and supervise the maintenance and repair of any drainage works; and
- (b) to assist in the construction or improvement of any drainage works,

and to report thereon to council and may provide for fees or other remuneration for services performed by him in carrying out the provisions of this Act, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works, and shall be paid from the general funds of the municipality.

Commis-
sioner
may be
appointed

(2) Where no drainage superintendent is appointed under subsection 1, the council may by by-law appoint one or more commissioners,

- (a) to assist the engineer in the construction or improvement of a drainage works; and
- (b) to supervise the maintenance of any drainage works,

and to report thereon to council and may provide for fees or other remuneration for services performed by him under this subsection, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works, and shall be paid from the general funds of the municipality. *New.*

94.—(1) The drainage superintendent shall inspect every drainage works for which the municipality is responsible at intervals of not less than three years, and shall periodically report to council on the condition of the drainage works in the municipality. *New.*

Inspection
of drains

(2) Two or more municipalities may appoint the same person to be drainage superintendent within each municipality. *New.*

Drainage
super-
intendent
may act
for more
than one
municipality

95.—(1) For the better maintenance and repair of drainage works by embanking, pumping or other mechanical operations, the council of the municipality initiating the drainage works may by by-law,

Appointment
of
commissioner

(a) appoint one or more commissioners with power to,

(i) enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings and purchase and repairs of machinery, and

(ii) do all other things necessary for successfully operating the drainage works and for keeping the embankment thereof in repair as may be set forth in the by-law appointing him; and

(b) provide for defraying the annual cost of maintaining and operating the drainage works by assessment upon the lands and roads in any way liable to assessment therefor. R.S.O. 1970, c. 136, s. 59, *amended.*

(2) The fees or other remuneration of a commissioner shall form part of the cost of the maintenance and repair of the drainage works. *New.*

Fees, etc.

(3) The drainage superintendent and the commissioner have the same powers as to entry on land as are given to the engineer and his assistants under subsection 1 of section 12. *New.*

Powers of
super-
intendent
and
drainage
commissioner

COURTS OF REVISION

96.—(1) Subject to subsection 3, a court of revision shall consist of three or five members appointed by the

Court of
revision

council of the initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

Qualification (2) Every such member shall be a person eligible to be elected a member of council or shall be a member of council. R.S.O. 1970, c. 136, s. 30.

Where more than one municipality (3) Where the lands assessed for the drainage works extend from the initiating municipality into a neighbouring municipality, the court of revision shall consist of two members appointed by the council of the initiating municipality, of whom one shall be chairman and one member appointed by the council of each of the neighbouring municipalities and the court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality. *New.*

THE ONTARIO DRAINAGE TRIBUNAL

Tribunal established **97.**—(1) The Ontario Drainage Tribunal is hereby established and shall be composed of a chairman and such number of vice-chairmen and other members as shall be appointed by the Lieutenant Governor in Council.

Quorum (2) Three members of the Tribunal designated by the chairman, one of whom shall be a barrister entitled to practice in Ontario, shall constitute a quorum and have all of the jurisdiction and powers of the Tribunal.

Remuneration (3) The members of the Tribunal who are not members of the public service of Ontario shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with their reasonable expenses.

Powers of Tribunal (4) The Tribunal may,
 (a) hold sittings at any place in Ontario and in more than one place at the same time; and
 (b) procure reports from engineers and other professional persons in order to assist the Tribunal in reaching a decision.

Tribunal may make rules (5) Subject to the approval of the Lieutenant Governor in Council, the Tribunal may make rules governing its practice and procedure and the exercise of its powers.

Clerk of Tribunal (6) The clerk of the initiating municipality shall be the clerk of the Tribunal.

(7) The Tribunal may from time to time employ stenographic reporters to report hearings before the Tribunal and may fix their fees and such fees shall be included in the costs of the hearing and shall be borne and paid as the Tribunal may direct. Stenographic reporters

(8) Where the sittings of the Tribunal are to be held in a municipality, the municipality shall provide a suitable room for holding a hearing. Sittings of Tribunal

(9) The Tribunal shall send by registered mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the Tribunal and to the Minister, a copy of its final decision and order, if any, in the proceedings. Copy of decision

(10) The costs of any proceedings before the Tribunal shall be paid by or apportioned between the parties in such manner as the Tribunal considers proper, and where costs are ordered to be paid, the order for payment thereof may be filed in any small claims court having jurisdiction in the municipality and is enforceable as a judgment or order of such court. Costs, payment of

(11) The costs chargeable or to be awarded in any proceedings may include the costs of witnesses and of procuring their attendance, the costs of secretarial staff and such other costs as the Tribunal may direct, and may be taxed according to the allowance in a small claims court for such costs, and, in cases where execution issues, the costs thereof as in the like court, and of enforcing the execution, may also be collected thereunder. *New.* What costs chargeable

98. In any application, appeal or reference to the Tribunal, the action shall be commenced by serving notice upon the council of the initiating municipality and the clerk shall forthwith record the notice and except as otherwise provided send a copy of the notice to the Tribunal and to all persons assessed for the drainage works. *New.* Appeal commenced by notice

99. The Tribunal, in any case that it considers proper, may extend the time otherwise limited for application, appeal or reference. *New.* Extension of time

100. In any application, appeal or reference under sections 8, 10, 48, 49, 50, 54, 64, 65 and 75 the decision of the Tribunal is final. *New.* Decision final

REFEREE

101.—(1) The Lieutenant Governor in Council may appoint a referee for the purposes of this Act. Appointment of referee

Acting
referee

(2) The Lieutenant Governor in Council from time to time may appoint an acting referee or referees for the purposes of this Act, and an acting referee has the same powers and duties as the referee.

Qualification

(3) The referee or an acting referee shall be a justice of the Supreme Court or a judge of a county court.

Remunera-
tion

(4) Notwithstanding any other Act, the referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with his reasonable expenses and expenses for secretarial services. R.S.O. 1970, c. 136, s. 66.

Notice of
time and
place of
hearing

102.—(1) Where an application or appeal is made to the referee, he shall give an appointment to the parties to proceed therewith at such place and time and in such manner as to him may seem proper, but, unless the parties otherwise consent, a hearing shall be in the county or one of the counties in which the drainage works is or is to be situate. R.S.O. 1970, c. 136, s. 68 (1).

Use of
court house,
etc.

(2) When an appointment is given by the referee for a hearing in any municipality where a court house is situate, he has in all respects the same authority as a judge of the Supreme Court with respect to the use of the court house or other place or apartments therein. R.S.O. 1970, c. 136, s. 69, *amended*.

Clerk
of court

103.—(1) The clerk of the county court shall be the clerk of the court of the referee and shall take charge of and file all the exhibits, and is entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court.

Fees of
clerk

(2) The clerk of the court is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee may direct.

Acting
clerk

(3) In the absence of the clerk of the county court, the referee may appoint some other person to act as clerk of the court of the referee for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed while so acting has the same power as the clerk of the county court and is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee may direct. R.S.O. 1970, c. 136, s. 68 (2-4).

(4) The referee may from time to time employ stenographic ^{Stenographic} reporters to report hearings and trials before the referee and fix their fees, and such fees shall be included in the costs and shall be borne and paid as the referee may direct. R.S.O. 1970, c. 136, s. 68 (5).

104. Sheriffs, deputy sheriffs, constables and other peace ^{Sheriffs, etc.,} officers shall aid, assist and obey the referee in the exercise of ^{to assist} the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificates of the referee, be paid such fees as they are entitled to for similar services at the sittings of the Supreme Court for the trial of causes. R.S.O. 1970, c. 136, s. 70, *amended*.

105.—(1) The referee has original jurisdiction, ^{Powers} of referee

- (a) to entertain any appeal with respect to the report of the engineer under section 47;
- (b) to determine the validity of, or to confirm, set aside or amend any petition, resolution of a council, provisional by-law or by-law relating to a drainage works under this Act or a predecessor of this Act;
- (c) to determine claims and disputes arising under this Act, including, subject to section 119, claims for damages with respect to anything done or purporting to have been done under this Act or a predecessor of this Act or consequent thereon;
- (d) to entertain applications for orders directing to be done anything required to be done under this Act;
- (e) to entertain applications for orders restraining anything proposed or purporting to be done under this Act or a predecessor of this Act; and
- (f) over any other matter or thing in relation to which application may be made to him under this Act. R.S.O. 1970, c. 136, s. 73, *amended*.

(2) Subject to section 100, the referee has jurisdiction to ^{Juris-}hear appeals from any decision or order of the Tribunal and ^{diction} for such purpose may make any order that the Tribunal might have made and may substitute his opinion for that of the Tribunal. *New*.

(3) The referee has jurisdiction to entertain and dispose ^{Idem} of any interlocutory application relating to any matter other-

wise within his jurisdiction and his order thereon is final. R.S.O. 1970, c. 136, s. 82.

Deter-
mination
of questions
of fact
or law

(4) The referee has power to determine all questions of fact or law that it is necessary to determine for the purpose of disposing of any matter within his jurisdiction and to make such decision, order or direction as may be necessary for such purpose. *New.*

Referee
may make
rules

106.—(1) The referee may, with the approval of the Lieutenant Governor in Council, make rules regulating the practice and procedure to be followed in all proceedings before him under this Act and may prescribe tariffs and fees therefor. R.S.O. 1970, c. 136, s. 86.

Referee
may give
directions

(2) The referee may give directions relating to the conduct of proceedings before him and as to the persons who shall be parties to such proceedings. R.S.O. 1970, c. 136, s. 68 (1), *amended.*

Taxation
of costs

107. Costs shall be taxed by the referee, or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed or by a taxing officer of the Supreme Court. R.S.O. 1970, c. 136, s. 88.

Costs in
discretion
of referee

108. The costs of any proceedings before the referee are in the discretion of the referee. R.S.O. 1970, c. 136, s. 72 (3), *amended.*

Tariff
of costs

109. In the absence of other provisions, the tariff of costs in any application or proceeding under this Act shall be that of the court that would have jurisdiction to try a civil action involving a similar amount of money or type of proceeding. R.S.O. 1970, c. 136, s. 87.

Proceedings
instituted
by notice

110.—(1) Proceedings for the determination of claims and disputes and for the recovery of damages, or for an order directing or restraining the doing of any act or thing shall be instituted by serving ten clear days notice setting forth the grounds of the claim upon all persons concerned.

Notice
filed
in county
court

(2) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county in which the initiating municipality is situate, and the notice shall be filed and served within two years from the time the cause of complaint arose. R.S.O. 1970, c. 136, s. 74, *amended.*

Affidavits
filed
before
motion

111. All affidavits intended to be used in support of a motion shall be filed with the clerk of the county court

not fewer than five days before the return day of the motion.
R.S.O. 1970, c. 136, s. 75.

112. The referee may, where he considers it proper, extend the time otherwise limited for appeals or other proceedings.
New.

Extension
of time
for appeal

113. When the referee proceeds partly on view or on any special knowledge or skill possessed by him, he shall put in writing a statement thereof sufficiently full to allow the Divisional Court to form a judgment of the weight that should be given thereto, and he shall state as part of his reasons the effect given by him to such statement. R.S.O. 1970, c. 136, s. 78, *amended*.

When
referee
proceeds
on view

114. The decision of the referee, with the evidence, exhibits and statement, if any, of inspection or of technical knowledge and the reason for his decision, shall be filed in the office of the clerk of the county court in the county in which the initiating municipality is situate, and notice of the filing shall forthwith be given by the clerk, by prepaid mail, to the solicitors of the parties appearing by solicitor and to the other parties not represented by a solicitor, and also to the clerk of each municipality affected. R.S.O. 1970, c. 136, s. 79.

Clerk to
forward
notice of
filing

115. A copy of the decision certified by the referee or clerk of the court shall be sent or delivered,

Copy of
decision to
be sent to
Minister and
municipality

(a) to the Minister without charge; and

(b) to the clerk of every municipality interested in the drainage works in question upon receipt of the sum chargeable therefor. R.S.O. 1970, c. 136, s. 80.

116. The provisional by-law or the by-law of the initiating municipality and of any other municipality interested shall be amended so as to incorporate and carry into effect the decision of the referee or such decision as varied on appeal, as the case may be. R.S.O. 1970, c. 136, s. 72 (1).

Amendment
of by-law

117.—(1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement, maintenance or repair in such manner as the referee or court may determine, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

Assessing
of costs
payable

Municipality
in default
to pay costs

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers or employees in the construction, improvement, maintenance or repair of the drainage works or in carrying out the provisions of this Act, the referee or court may direct that the whole or any part of such damages and costs shall be borne by the municipality and be payable out of the general funds thereof

In cases of
settlement

(3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee or court, and in making such direction, the referee or court shall have regard to the provisions of subsection 2.

Where
extension
of drainage
works
necessary

(4) Where, in the opinion of the referee or court, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee or court may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement. R.S.O. 1970, c. 136, s. 77, *amended*.

Transfer
to other
court

118. Where an action is brought or is pending before the court of revision or the Tribunal or the referee and the matter should properly be heard by one of the other tribunals, the action may be transferred to the other tribunal without invalidating the proceedings provided the action was launched within the time limits prescribed in this Act. *New*.

Actions
may be
transferred
to referee

119.—(1) Where an action is brought or is pending and the court in which the action is brought or is pending or a judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that it may be more conveniently tried before and disposed of by the referee, the court or judge may, on the application of either party, at any stage of the action make an order transferring it to the referee on such terms as appear just, and the referee shall thereafter give directions for the continuance of the action before him.

Limitation

(2) This section applies only where the action is brought within the period limited by this Act for taking proceedings on notice. R.S.O. 1970, c. 136, s. 76.

APPEAL TO DIVISIONAL COURT

120. Except as otherwise provided in this Act, the decision of the referee or acting referee may be appealed from to the Divisional Court in accordance with the rules of court within thirty days after the filing thereof with the county court clerk or within such further time as the referee or Divisional Court or a judge thereof may allow. R.S.O. 1970, c. 136, s. 83, *amended*.

Appeal from
decision
of referee

GENERAL

121.—(1) Where it is considered necessary or expedient to extend a drainage works constructed under this Act from Ontario into or through lands in an adjoining province, or to extend a drainage works from an adjoining province into or through lands in Ontario, the Lieutenant Governor in Council may authorize the Minister to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of any drainage works in the adjoining province to be borne and paid by Ontario and as to the proportion of the cost of any drainage works in Ontario to be borne and paid by the adjoining province.

Inter-
provincial
drainage
works,
from
Ontario
into
adjoining
province

(2) Where such a drainage works extends from Ontario into or through lands in an adjoining province, the Minister may order a local municipality in Ontario in which the lands affected by the drainage works are situate to provide funds to pay for the proportion of the cost of the drainage works in the adjoining province to be borne and paid by Ontario, and thereupon this Act applies *mutatis mutandis* to such drainage works.

Apportion-
ment
of cost

(3) Where a drainage works extends from an adjoining province into or through lands in Ontario, the Minister may order a local municipality into which the drainage works extends to provide for the construction of the necessary drainage works, and thereupon this Act applies *mutatis mutandis* to such drainage works, and the contribution to the drainage works from the other province shall be paid to such local municipality on the completion of the drainage works. R.S.O. 1970, c. 136, s. 11.

Extension
of drainage
works from
adjoining
province

122. The Minister in his discretion and from time to time may prescribe the manner in which a drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which grants may be made. R.S.O. 1970, c. 136, s. 65 (1).

Initiation
of drainage
works in
unorganized
territory

Author-
ization of
emergency
work

123. Where the Minister declares that an emergency exists, the council of a municipality may authorize emergency work under this Act before obtaining and adopting an engineer's report. *New.*

Regulations

124. The Lieutenant Governor in Council may make regulations prescribing forms and providing for their use. *New.*

Transitional
R.S.O. 1970,
c. 136

125. Notwithstanding section 126, all proceedings commenced under *The Drainage Act* that are not completed before this Act comes into force shall be continued and completed in accordance with *The Drainage Act*.

Repeals

126. The following are repealed:

1. *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970.
2. Section 7 of *The Government Reorganization Act*, 1972, being chapter 1.

Commence-
ment

127. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

128. This Act may be cited as *The Drainage Act, 1975*.

CHAPTER 80

An Act to amend The Tile Drainage Act, 1971

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 3 of *The Tile Drainage Act, 1971*, s. 3 (3),
being chapter 37, is amended by striking out “whose amended
decision is final” in the second line.
- (2) The said section 3 is amended by adding thereto the s. 3,
following subsections: amended
- (4) Where the council refuses an application or reduces the Appeal
amount applied for, the applicant may appeal to The Ontario to The
Drainage Tribunal established under *The Drainage Act, 1975*, Ontario
by serving upon the clerk of the municipality written notice Drainage
of appeal within twenty days of the delivery of the notice Tribunal
of decision referred to in subsection 3. 1975, c. 79
- (5) Upon an appeal to the Tribunal under subsection 4, Tribunal may
the Tribunal may confirm or alter the decision of the council confirm or
and may make such order as it considers proper. alter
decision of
council
2. Section 4 of the said Act is amended by inserting after “form” s. 4,
in the fourth line “together with a sketch indicating the amended
location, spacing, direction and depth of the tile as laid”.
3. Subsection 2 of section 5 of the said Act is repealed and the s. 5 (2),
following substituted therefor: re-enacted
- (2) A municipality, or a district or regional municipality, Municipal-
ity not to
on behalf of one or more municipalities, shall not issue more issue more
than one debenture in any month, the amount of which may than one
combine amounts to be loaned by the municipality or debenture
municipalities with respect to a number of drainage works. per month
4. The said Act is amended by adding thereto the following s. 8a,
section: enacted

Repayment
where land
use is
changed

8a.—(1) Where, at any time before a loan is repaid, the council of a municipality is satisfied that the land is no longer being used for agriculture, the balance of the loan, together with interest thereon, shall become immediately due and payable and such amount may be added to the taxes for the current year.

Amounts
to be
remitted
to
Treasurer

(2) Any amounts collected under subsection 1 shall forthwith be remitted to the Treasurer of Ontario or his assignee who shall apply them towards payment of the debentures of the municipality or district or regional municipality.

s. 9 (1),
re-enacted

5. Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor:

Repayment
by municipi-
ality to
Province

(1) The amount payable in each year for principal and interest shall be remitted to the Treasurer of Ontario,

(a) in the case of debentures issued prior to the 1st day of September, 1971, not later than the 10th day of the month next following the month in which the payment fell due; and

(b) in the case of debentures issued on or after the 1st day of September, 1971, on or before the due date.

s. 9a.
enacted

6. The said Act is further amended by adding thereto the following section:

Loans in
territory
without
municipal
organiza-
tion

9a.—(1) The Minister of Agriculture and Food, subject to the approval of the Lieutenant Governor in Council may, from time to time, prescribe the manner in which drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which loans may be made to persons out of the moneys appropriated therefor by the Legislature.

Lien

(2) The amount loaned to any one person under subsection 1 shall not exceed 75 per cent of the total cost of the work and shall constitute a lien upon the estate or interest of the owner in the land upon which the work was done and where repayment of the amount so loaned is in default such amount may be deducted from any moneys payable by Ontario to the person under any other Act and may be recovered by proceedings in any court of competent jurisdiction.

Expenditure

(3) The moneys required for the purposes of this section shall, until the 31st day of March, 1976, be paid out of the

Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

7. Section 11 of the said Act is amended by adding at the end thereof “and any amounts so paid shall be forthwith remitted by the treasurer of the municipality to the Treasurer of Ontario or his assignee who shall apply them towards payment of the debentures of the municipality or district or regional municipality”. s. 11,
amended
8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
9. This Act may be cited as *The Tile Drainage Amendment Act*, Short title
1975.

CHAPTER 81

An Act respecting the Negotiation of Collective Agreements between the Provincial Schools Authority and Teachers*Assented to July 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) “agreement” means a written collective agreement made pursuant to this Act between the Authority and the employee organization in respect of matters that are negotiable under this Act;
- (b) “Authority” means the Provincial Schools Authority established under this Act;
- (c) “Commission” means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*, c. 72;
- (d) “employee organization” means the organization that is formed pursuant to this Act by teachers;
- (e) “principal” means a teacher who is appointed to be in charge of a school;
- (f) “school” means a school operated by,
 - (i) the Ministry of Correctional Services,
 - (ii) the Ministry of Health, or
 - (iii) the Ministry of Education,

but does not include the Ontario Teacher Education College, a summer course or a correspondence course;

(g) "teacher" means a person,

(i) who holds a valid certificate of qualification as a teacher in an elementary or secondary school in Ontario,

(ii) who holds a letter of standing granted by the Minister under *The Education Act, 1974*, or

(iii) whose appointment as a teacher has been authorized by the Minister of Education,

and who is employed in a school under a contract of employment as a teacher;

(h) "vice-principal" means a teacher who is appointed to be in charge of a school in the absence of the principal;

(i) "written collective understanding" means a written collective agreement in operation immediately before this Act comes into force respecting terms of employment of teachers.

Provincial
Schools
Authority

2.—(1) There shall be a Provincial Schools Authority that shall consist of five members appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall designate one of the members of the Authority as chairman and one as vice-chairman.

Secretary

(3) The Authority shall appoint a secretary.

Remunera-
tion

(4) The members and the secretary of the Authority shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Moneys

(5) The moneys required for the purposes of the Authority are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature.

Teachers
to be
employees of
Authority

3. When this Act comes into force,

(a) the teachers cease to be Crown employees and their contracts of employment are vested in the Authority;

(b) the sick leave credits and the termination of employment benefits standing to the credit of a teacher

whose contract of employment is vested in the Authority under clause *a* shall stand to the credit of the teacher in the system of sick leave credit gratuities of the Authority; and

- (c) *The Labour Relations Act* does not apply to the teachers or to the Authority. R.S.O. 1970, c. 232

4.—(1) Subject to subsection 2, the Authority is responsible for all matters relating to the employment of teachers, and for such purpose has all the powers and is subject to the duties and liabilities of a board under *The Education Act, 1974*. Employment of teachers 1974, c. 109

(2) All matters relating to administration in respect of teachers who teach in a school operated by a Ministry referred to in clause *f* of section 1 are the responsibility of the deputy minister of the Ministry, and each such Ministry that operates a school shall provide the salaries and benefits of the teachers of such school in accordance with the contracts of employment of such teachers. Administration

(3) Every written collective understanding is binding on the Authority and the teachers covered by the written collective understanding. Interim provision

(4) For the purposes of *The Teachers' Superannuation Act*, a teacher employed by the Authority shall be deemed to be employed as a teacher by the minister of a ministry of the government of Ontario. Application of R.S.O. 1970, c. 455

(5) For the purposes of subsection 7 of section 155 of *The Education Act, 1974*, employment by the Authority shall be deemed to be employment with the Ministry of Education. Continuity of sick leave credits

(6) Part IX of *The Education Act, 1974* applies *mutatis mutandis* to the teachers and to the Authority. Application of Part IX, 1974, c. 109

5. Where the teachers propose to negotiate an agreement, they shall, for such purpose, form one employee organization, which shall represent them for the purposes of this Act. Employee organization

6.—(1) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, except clauses *a* to *g*, *i* to *k* and *m*, *n* and *p* of section 1, section 4, clauses *a* and *b* of section 8, sections 60 and 63, clause *d* of section 74, subsection 2 of section 78 and sections 83 and 84, apply *mutatis mutandis* as if such provisions were enacted in and formed part of this Act, and references therein to “board”, “branch affiliate” and “parties” shall be deemed to be references Application of 1975, c. 72

respectively to the Authority, the employee organization, and the Authority and the employee organization.

Form of
contracts
1975, c. 72

(2) For the purposes of subsection 2 of section 55 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the teachers who are employed in schools immediately before this Act comes into force shall be deemed to have contracts of employment in the form of contract prescribed by the regulations under *The Education Act, 1974*.

1974, c. 109

Where
approval
required

(3) Where the Authority proposes to act in accordance with subsection 1 or 4 of section 69 of *The School Boards and Teachers Collective Negotiations Act, 1975*, it shall do so only with the approval of the Minister responsible for the Ministry that operates the school or schools that will be affected.

Contraven-
tion by
employee
organization

(4) For the purposes of subsection 1 of section 78 of *The School Boards and Teachers Collective Negotiations Act, 1975*, "person" includes the employee organization and the Authority.

Compell-
ability of
witnesses

(5) In addition to the persons referred to in section 82 of *The School Boards and Teachers Collective Negotiations Act, 1975*, a minister of the Crown and his deputy minister are not compellable witnesses in any proceedings under this Act.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Provincial Schools Negotiations Act, 1975*.

CHAPTER 82

An Act to provide Superannuation Adjustment Benefits to persons in receipt of Pensions payable out of Pension Funds to which Contributions are paid directly or indirectly out of the Consolidated Revenue Fund

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “Adjustment Fund” means the Superannuation Adjustment Fund established under this Act;
- (b) “employer” in relation to a pension plan means the employer within the meaning of such pension plan;
- (c) “Minister” means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;
- (d) “pension” means a pension, superannuation allowance or annuity payable pursuant to a pension plan to which this Act applies;
- (e) “recipient” means a person who,
 - (i) is in receipt of a pension, or
 - (ii) in the case of a deferred annuity, is entitled to an annuity,under a pension plan to which this Act applies;
- (f) “regulations” means regulations made under this Act.

(2) For the purposes of this Act, the amount of pension payable to a recipient is the amount of pension payable to Amount of pension payable to recipient

him or to which he is entitled pursuant to the pension plan in respect of which he is a recipient.

Application
of Act

2. This Act applies only to pension plans designated by the regulations.

Commence-
ment of
adjustment
benefit

3. Subject to the other provisions of this Act, a superannuation adjustment benefit is payable,

- (a) to every recipient who became entitled to a pension under a pension plan before the 1st day of January of the year in which this Act is made applicable to the pension plan, commencing with the month next following the month in which this Act is made applicable to the pension plan; or
- (b) to every recipient who became entitled to a pension under a pension plan on or after the 1st day of January of the year in which this Act is made applicable to the pension plan, commencing with the first month in the year next following the year in which the recipient became entitled to a pension under the pension plan.

Adjustment
ratio,
determina-
tion

R.S.C. 1970,
c. S-16

4.—(1) An adjustment ratio shall be determined in each year commencing with the year 1975 by calculating to 3 decimal points the ratio that the average of the Consumer Price Index for Canada as published by Statistics Canada under the authority of the *Statistics Act* (Canada) over a twelve month period ending with the 30th day of September bears to the corresponding average in relation to the immediately preceding twelve month period and by adjusting such ratio in accordance with the regulations as follows:

1. Where the ratio calculated for each year after the year in which a person becomes a recipient is in excess of 1.080, it shall first be reduced with respect to previous ratios calculated which were less than 1.000 and the remaining excess, if any, shall be applied to increase the ratio calculated in any subsequent year if the ratio calculated in the subsequent year is less than 1.080.
2. Where the ratio calculated for each year after the year in which a person becomes a recipient is less than 1.000, it shall first be increased with respect to previous ratios calculated which were greater than 1.080 and the remaining amount, if any, by which it is still less than 1.000 shall be

applied to decrease the ratio in any subsequent year if the ratio calculated in the subsequent year is more than 1.000.

3. Where the ratio calculated is for the year in which a person becomes a recipient, the adjustment ratio for that year with respect to that recipient shall be obtained by first modifying the ratio calculated by decreasing it to a maximum of 1.080 or by increasing it to a minimum of 1.000, by deducting 1 from the modified ratio calculated and multiplying the result by the ratio that the number of full months during which he was entitled to a pension in the year in which he became a recipient bears to 12 months and by adding 1 to the result.

(2) Where the determination of an adjustment ratio Maximum and minimum under subsection 1 results,

- (a) in a ratio of more than 1.080, the adjustment ratio shall be 1.080; or
- (b) in a ratio of less than 1.000, the adjustment ratio shall be 1.000.

(3) The adjustment ratio determined in any year shall Application apply to the year immediately following the year in which the determination is made.

5.—(1) The superannuation adjustment benefit payable Calculation of adjustment benefit to a recipient for any month in any year is an amount equal to the amount obtained by multiplying,

- (a) the amount of the pension payable to the recipient for that month;

by

- (b) the accumulation (by multiplication) of the adjustment ratio applicable to the year in which that month occurs and the adjustment ratios applicable to the previous years in which superannuation adjustment benefits were payable to the recipient;

and subtracting therefrom

- (c) the amount of the pension payable to the recipient for that month.

(2) For the purpose of subsection 1, the amount of Amount of monthly pension pension payable to a recipient for a month shall be

equal to one-twelfth of the amount of pension payable to the recipient for a year.

Deferred annuities

6. Where payments under a deferred annuity will commence on some date after the date this Act is made applicable to the pension plan under which such annuity is payable, the annuitant is entitled to an accumulation of adjustment ratios under this Act commencing with the month following the month in which this Act is made applicable to such pension plan or the first month of the year next following the year in which he ceases to be employed, whichever is the later, and such accumulation of adjustment ratios shall be applied to the amount of the annuity commencing with the first payment of the annuity in accordance with the pension plan under which the annuity is payable.

Payment of adjustment benefits

7. Superannuation adjustment benefits payable to a recipient shall be paid at the same times, in the same manner and subject to the same terms and conditions as his pension is payable.

Contributions

8.—(1) Commencing with the month next following the month in which this Act is made applicable to a pension plan,

(a) every employee contributing under such plan shall contribute monthly to the Adjustment Fund, by reservation from salary or otherwise, an amount equal to 1 per cent of his salary and the amount so contributed shall be placed to his credit in the Adjustment Fund; and

(b) the employer shall contribute to the Adjustment Fund an amount equal to the amount contributed under clause *a*.

Contributions re elective service

(2) An employee contributing under a pension plan who, after the date this Act is made applicable to the pension plan, elects to count as pensionable service any period of elective service to which he is entitled under such pension plan shall contribute to the Adjustment Fund an amount calculated on the same basis as the amounts he is required to pay to establish such elective service as pensionable service under such pension plan.

Where contributor qualified for long term income protection benefit

(3) Where the contributions of a contributor to a pension plan to which this Act applies are paid during any period by the employer by reason of the contributor being qualified for a benefit under a long term income protection plan,

the contributions required to be paid during that period under this Act by such contributor and his employer shall be paid by the employer or on his behalf.

(4) In this section, “elective service” means any service that a contributor under a pension plan may elect to count as pensionable service under such pension plan. Elective service

9. When a person who has contributed to the Adjustment Fund ceases to be employed and no pension is or will become payable to or in respect of him, or when a recipient dies and no further pension benefits are payable to his beneficiary, contributions under this Act shall be paid out of the Adjustment Fund on the same basis and under the same terms and conditions as contributions may be paid out under the pension plan to which he was a contributor. Return of contributions

10.—(1) A fund, to be known as the Superannuation Adjustment Fund, consisting of moneys contributed under section 8 and interest credited thereto less moneys paid out of such Fund under this Act, shall be established. Super-annuation Adjustment Fund

(2) The Treasurer of Ontario is the custodian of the Adjustment Fund. Custodian

(3) An account to be known as the Superannuation Adjustment Fund Account shall be established in the accounts of Ontario and under such account separate accounts shall be maintained in relation to each pension plan to which this Act applies. Account

(4) The fiscal year of the Adjustment Fund shall be the same as the fiscal year of the Consolidated Revenue Fund. Fiscal year

(5) The Adjustment Fund shall be audited by the Provincial Auditor who shall make an annual report to the Treasurer of Ontario, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Audit, report

11.—(1) All superannuation adjustment benefits and other moneys required to be paid under this Act to recipients who have contributed to the Adjustment Fund or to their dependants or to their estates or the estates of such dependants shall be paid out of the Adjustment Fund. Moneys to be paid out of Adjustment Fund

(2) All superannuation adjustment benefits and other moneys required to be paid under this Act to recipients Moneys to be paid by employer

who have not contributed to the Adjustment Fund or to their dependants or to their estates or the estates of such dependants shall be paid by the employer and not out of the Adjustment Fund.

Interest

(3) Interest shall be credited at the close of each fiscal year to the Adjustment Fund out of the Consolidated Revenue Fund at such rate and in such manner as the Lieutenant Governor in Council may from time to time determine.

No attachment, etc.

12. The interest of any person in the Adjustment Fund or in any adjustment benefit or other sum payable out of the Adjustment Fund or in any adjustment benefit or other sum payable under this Act by an employer is not subject to garnishment, attachment, seizure or other process of law and is not assignable.

Review of accounts and rate of contributions

13.—(1) A review committee shall be established in accordance with the regulations composed of representatives of the employer and of the contributors in relation to each pension plan to which this Act applies to review from time to time,

(a) the rate of contribution to the Adjustment Fund by the employer and contributors; and

(b) the account maintained under the Adjustment Fund Account in relation to such pension plan,

and any recommendation in relation thereto shall be made to the Minister.

No change in rate before 1981

(2) No change in the rate of contribution under subsection 1 of section 8 shall be made before the 1st day of January, 1981.

Regulations

14. The Lieutenant Governor in Council may make regulations,

(a) designating pension plans and groups of contributors and recipients thereunder to which this Act shall apply;

(b) prescribing the composition of review committees and their terms of reference;

(c) providing for the adjustment of ratios calculated under subsection 1 of section 4;

- (d) prescribing forms and procedures to be used under this Act.

15. The cost of administration of this Act is payable, ^{Administra-} until the 31st day of March, 1976, out of the Consolidated ^{tion costs} Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

16. This Act comes into force on the day it receives ^{Commence-} Royal Assent. ^{ment}

17. This Act may be cited as *The Superannuation* ^{Short title} *Adjustment Benefits Act, 1975.*

CHAPTER 83

**An Act to amend
The Election Finances Reform Act, 1975**

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 10 of *The Election Finances Reform Act, 1975*, being chapter 12, is repealed and the following substituted therefor: s. 10 (1),
re-enacted

(1) No political party and no person, corporation or trade union acting on behalf of the political party shall accept contributions for the purposes of the political party or for the purposes of any constituency association or for the candidacy of any person at an election or for an election campaign of any person unless the political party is registered under this Act. Registration
of parties

2. Subsection 1 of section 11 of the said Act is repealed and the following substituted therefor: s. 11 (1),
re-enacted

(1) No constituency association of a registered party and no person, corporation or trade union acting on behalf of the constituency association shall accept contributions for the purposes of the constituency association or for the purposes of the registered party or for the candidacy of any person at an election or for an election campaign of any person unless the constituency association is registered under this Act. Registration
of
constituency
associations

3. Subsection 1 of section 15 of the said Act is repealed and the following substituted therefor: s. 15 (1),
re-enacted

(1) No person and no person, corporation or trade union acting on behalf of such person and, except as provided under subsection 1 of section 10 and subsection 1 of section 11, no political party or association or organization thereof acting on behalf of such person, shall accept contributions for the candidacy of such person at an election Registration
of
candidate

or for an election campaign of such person unless such person is a candidate registered under this Act.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Election Finances Reform Amendment Act, 1975*.

CHAPTER 84

An Act to amend The Ambulance Act

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ambulance Act*, being chapter 20 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (*d*),
re-enacted

(*d*) "Director" means the Director of the Ambulance Services Branch.

2. The said Act is amended by adding thereto the following ss. 4a, 4b,
enacted sections:

4a.—(1) Upon the request of the council of a municipality, the Minister may, where he considers to do so would provide an improved ambulance service to the public, by order designate the council of the municipality as the sole authority to operate an ambulance service in that municipality. Order
of
Minister

- (2) Where the Minister makes an order under subsection 1, Effect
of
order

(*a*) any person operating an ambulance service in the municipality named in the order, other than the council of the municipality, shall cease operation on or before the day set out in the order; and

(*b*) the municipality shall pay to any person required to cease operating an ambulance service as a result of the order such sum of money by way of compensation for the value of the ambulance service to the operator as is consistent with the principles of law and equity.

- (3) The licence of a person who is required to cease operating an ambulance service as a result of an order of Licence
deemed
cancelled

the Minister made under subsection 1 shall be deemed to have been cancelled on the day set out in the order and the provisions of sections 10, 11 and 16 do not apply to such cancellation.

When
Director
not to
issue
licence

(4) The Director shall not issue a licence to operate an ambulance service in a municipality named in an order made under subsection 1 to any applicant other than the council of the municipality, and the provisions of sections 10, 11 and 16 do not apply to any such refusal to issue a licence.

Minister
may
rescind
order

(5) The Minister may rescind any order made under subsection 1 and where the Minister does so subsection 4 ceases to have effect in respect of the municipality.

Application of
R.S.O. 1970,
c. 410

(6) *The Regulations Act* does not apply to an order of the Minister made under subsection 1.

Notice
requiring
arbitration

4b.—(1) Where agreement cannot be reached as to the sum of money to be paid by the municipality under clause *b* of subsection 2 of section 4a, either the municipality or the operator of the ambulance service may serve upon the other notice that the municipality or the operator, as the case may be, desires that the amount of compensation be determined by arbitration under *The Arbitrations Act* and each party shall, within seven days of the service of the notice appoint a member of a board of arbitration, and a third member who shall be chairman shall be appointed within a further seven days by the two members so appointed.

Application of
R.S.O. 1970,
c. 25

(2) Where a board of arbitration is appointed under subsection 1, the provisions of *The Arbitrations Act* apply as though a submission had been made under that Act.

s. 18 (2),
amended

3. Subsection 2 of section 18 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 5, is further amended by striking out “during daylight hours” in the second line.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ambulance Amendment Act, 1975*.

CHAPTER 85

**An Act to amend
The Teachers' Superannuation Act***Assented to July 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *e* of subsection 1 of section 1 of *The Teachers' Superannuation Act*, being chapter 455 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 1, is further amended by striking out “under contract” in the first line. <sup>s. 1 (1) (e),
amended</sup>
- (2) Subclause viii of clause *e* of subsection 1 of the said section 1 is repealed and the following substituted therefor: <sup>s. 1 (1) (e) (viii)
re-enacted</sup>
- (viii) as a full time employee by a board or in the Ministry.
2. Section 10 of the said Act is repealed and the following substituted therefor: <sup>s. 10,
re-enacted</sup>
10. The period from the 1st day of November, 1974 to the 31st day of December, 1975 shall be deemed to be a fiscal year of the Commission and thereafter the period from the 1st day of January to the 31st day of December constitutes the fiscal year of the Commission. <sup>Fiscal
year</sup>
3. Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor: <sup>s. 20 (3),
re-enacted</sup>
- (3) In this section, “salary” means salary in accordance with the terms and conditions under which the person is employed, and includes a cost of living or other similar bonus but does not include any additional remuneration for extra services. <sup>Interpre-
tation</sup>

s. 21,
amended

4. Section 21 of the said Act is amended by adding thereto the following subsection:

Contribu-
tions to
Super-
annuation
Adjustment
Fund
1975, c. 82

(7) Where a person is employed and contributes to the Superannuation Adjustment Fund under *The Superannuation Adjustment Benefits Act, 1975*, the contribution shall be deducted by the board or other authority employing the person from each payment of his salary.

s. 22,
amended

5. Section 22 of the said Act, as amended by the Statutes of Ontario, 1971, (2nd Session), chapter 9, section 10, is further amended by adding thereto the following subsection:

Employer
for
purposes of
1975, c. 82

(3) The person required to make payment to the Fund under subsection 1 or 2 shall be deemed to be the employer of the contributor to the Fund for the purpose of the contributions to be made by the employer under *The Superannuation Adjustment Benefits Act, 1975*.

s. 28 (1),
amended

- 6.—(1) Subsection 1 of section 28 of the said Act is amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b* and by striking out clause *c*.

s. 28 (3),
amended

- (2) Subsection 3 of the said section 28 is amended by inserting after “month” in the second line “following the month”.

s. 28 (6),
amended

- (3) Subsection 6 of the said section 28 is amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b* and by striking out clause *c*.

s. 32 (1),
re-enacted

- 7.—(1) Subsection 1 of section 32 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 18, is repealed and the following substituted therefor:

Dependant's
allowance
“D” pension

(1) Where a person who has credit in the Fund for ten or more years dies or where a person who is in receipt of an allowance dies,

(a) leaving a widow or widower, as the case may be, surviving, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in section 25, but based on the deceased person's credit in the Fund at the date of death, or

- (ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to the widow or widower during her or his lifetime or until she or he remarries, and where the widow or widower dies or remarries leaving a child or children who at the date of death or remarriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow or widower shall be paid to the child or children until such age is attained; or

- (b) leaving no widow or widower but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in section 25, but based on the deceased person's credit in the Fund at the date of death, or

- (ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

- (2) Subsection 2 of the said section 32 is amended by ^{s. 32 (2),} striking out "retirement" in the third line and inserting ^{amended} in lieu thereof "last day of employment".

- (3) Subsection 3 of the said section 32 is repealed and the ^{s. 32 (3),} following substituted therefor: ^{re-enacted}

On death or divorce of spouse of dependant, dependant entitled to dependant's allowance

(3) Where a dependant's allowance is discontinued under this section by reason of remarriage and the spouse of such dependant dies or the marriage is dissolved, such dependant is entitled to the dependant's allowance under this section from the first day of the month following the month in which such spouse dies or the dissolution becomes final.

s. 34a (1, 2), re-enacted

8. Subsections 1 and 2 of section 34a of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 19, are repealed and the following substituted therefor:

Long term disability income plans
1975, c. 72
R.S.O. 1970, c. 224

(1) Where the Minister, a board, the Ontario Teachers' Federation, an affiliate as defined in *The School Boards and Teachers Collective Negotiations Act, 1975* or any other authority approved by the Commission enters into an agreement with an insurer within the meaning of *The Insurance Act* to provide an income to any person who contributes to the Fund in the event of a long term disability, the agreement shall be submitted to the Commission for approval.

Recipient's contributions

(2) Where an agreement submitted under subsection 1 is approved by the Commission, the Commission shall accept a contribution made by the insurer on behalf of a person who contributes to the Fund for each month in respect of which the person receives a payment under the agreement where the contribution by the insurer is made on or before the 15th day of the month next following such payment, except where such person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contribution shall, subject to subsection 3, be 6 per cent of the annual rate of salary paid to the contributor immediately before the cessation of his employment.

s. 45 (1), re-enacted

9. Subsection 1 of section 45 of the said Act is repealed and the following substituted therefor:

Evidence of mental or physical condition

(1) The Commission may at any time require a person who is receiving a disability allowance under section 29 or 30 to furnish evidence, in such form as it directs, of his mental or physical condition.

s. 50 (2, 3), re-enacted

10. Subsections 2 and 3 of section 50 of the said Act are repealed and the following substituted therefor:

Idem

(2) Notwithstanding subsection 1, a person who has taken a refund of his contributions to the Fund under section 49 in lieu of an annual superannuation allowance under section 28 and subsequently is employed for twenty or more days in a school year and desires to be reinstated in the Fund in

respect of his former period of employment may be so reinstated by paying into the Fund an amount equal to the total of the refund, including the interest, if any, paid to him at the time of the refund, together with interest on such amount from the date of the refund until the completion of the repayment at the rate paid on Ontario Government stock or Province of Ontario debentures that are received by the Fund in the fiscal year of the Province of Ontario in which the refund was made except that, where such rate is less than that specified in section 11, the rate shall be that specified in section 11, and any disability or superannuation allowance or other payment out of the Fund to which he may become entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount of the refund that is not repaid.

(3) No person who has withdrawn his contributions from the Fund and is subsequently employed and elects to be reinstated in the Fund under subsection 1 or 2 is eligible for a disability allowance under section 29 or 30 until he has been employed for two school years after his return to employment.

Eligibility
for "C"
or "CB"
pension

11. Section 54 of the said Act is amended by striking out "other than a widower under section 32" in the second line.

s. 54,
amended

12. Section 55 of the said Act is repealed and the following substituted therefor:

s. 55,
re-enacted

55. Where,
- (a) the payments made under section 32;

(b) the amount of the allowance and any payments made under section 32; or

(c) the payments made under section 34,
- Refund
where
dependant's
allowance
or annuity
less than
contributions

with interest at 3 per cent per year compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest on each amount for the period of time it was in the Fund at 3 per cent per year compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative.

13.—(1) Clauses *b* and *d* of paragraph 15 of section 59 of the said Act are repealed and the following substituted therefor:

s. 59,
par. 15 (*b, d*),
re-enacted

- (b) because of pregnancy or the adoption of a child;
-

R.S.O. 1970,
c. 118

s. 59,
par. 16 (b, c),
re-enacted

s. 59, par. 23,
amended

Commence-
ment

Short title

(d) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in *The Municipal Affairs Act*.

(2) Clauses *b* and *c* of paragraph 16 of the said section 59 are repealed and the following substituted therefor:

(b) because of pregnancy or the adoption of a child;

(c) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in *The Municipal Affairs Act*.

(3) Paragraph 23 of the said section 59 is amended by striking out "during a period that is declared by the regulations to be a period during which there is urgent need for their services" in the third, fourth and fifth lines.

14. This Act comes into force on the day it receives Royal Assent.

15. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1975*.

CHAPTER 86

An Act to amend
The Dog Licensing and Live Stock
and Poultry Protection Act

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

- 1.—(1) Section 11 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 94, section 2, is amended by adding thereto the following clause:
- (ba) “fur-bearing animal” means an animal designated by name as a fur-bearing animal in *The Fur Farms Act, 1971* or declared to be a fur-bearing animal in the regulations made thereunder.
- (2) Clause *d* of the said section 11 is repealed and the following substituted therefor:
- (d) “live stock” means cattle, fur-bearing animals, goats, horses, rabbits, sheep or swine.
2. Subsection 13 of section 14 of the said Act is amended by adding thereto the following clauses:
- (aa) a fur-bearing animal in excess of the maximum amount prescribed therefor in the regulations;
-
- (da) a rabbit in excess of the maximum amount prescribed therefor in the regulations.
3. Section 22 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 94, section 6, is amended by adding thereto the following clause:

- (d) prescribing, for the purposes of subsection 13 of section 14, a maximum amount for,
 - (i) a fur-bearing animal or any species or class thereof, or
 - (ii) a rabbit or any class thereof.

- Commence-
ment
4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title
5. This Act may be cited as *The Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1975*.

CHAPTER 87

**An Act to amend
The Ontario Heritage Act, 1974***Assented to July 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 68 of *The Ontario Heritage Act, 1974*, ^{s. 68 (1),} being chapter 122, is repealed and the following substituted therefor: ^{re-enacted}

(1) Where, before the date this Act comes into force, a building or structure is designated by by-law under any public or private Act as a building or structure of historic or architectural value or interest, the building or structure shall be deemed to be property designated under Part IV of this Act and the provisions of Part IV shall apply. ^{Designation under public or private Acts}

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Ontario Heritage Amendment Act, 1975*. ^{Short title}

CHAPTER 88

An Act to amend The Insurance Act*Assented to July 18th, 1975*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 27 of *The Insurance Act*, being <sup>s. 27 (2),
amended</sup> chapter 224 of the Revised Statutes of Ontario, 1970, is amended by inserting after “plan” in the fifth line “or under the Fire Mutuals Guarantee Fund”.
2. Subsection 3 of section 28 of the said Act is amended by <sup>s. 28 (3),
amended</sup> adding at the end thereof “or under the Fire Mutuals Guarantee Fund”.
- 3.—(1) Subsection 1 of section 127 of the said Act is amended <sup>s. 127 (1),
amended</sup> by adding at the end thereof “or under the Fire Mutuals Guarantee Fund”.
- (2) Section 127 of the said Act is amended by adding thereto <sup>s. 127,
amended</sup> the following subsection:
 - (1a) Sections 129, 130, 131, 133, 134, 135, 136, 137 and <sup>Application
to Fire
Mutuals
Guarantee
Fund</sup> 138 do not apply in respect of contracts of insurance to which the Fire Mutuals Guarantee Fund is applicable.
- (3) Subsection 2 of the said section 127, as amended by the <sup>s. 127 (2),
amended</sup> Statutes of Ontario, 1971, chapter 84, section 6, is further amended by inserting after “plan” in the second line “or under the Fire Mutuals Guarantee Fund”.
4. Subsection 1 of section 132 of the said Act is amended by <sup>s. 132 (1),
amended</sup> inserting after “plan” in the second line “or to which the Fire Mutuals Guarantee Fund is applicable”.
5. Subsection 1 of section 139 of the said Act is amended by <sup>s. 139 (1),
amended</sup> inserting after “plan” in the third line “or to which the Fire Mutuals Guarantee Fund is applicable”.

s. 140 (1),
amended

- 6.—(1) Subsection 1 of section 140 of the said Act is amended by inserting after “plan” in the second line “or under a contract to which the Fire Mutuals Guarantee Fund is applicable”.

s. 140 (4),
amended

- (2) Subsection 4 of the said section 140, as amended by the Statutes of Ontario, 1973, chapter 124, section 13, is further amended by inserting after “plan” in the first line “or under a contract to which the Fire Mutuals Guarantee Fund is applicable”.

s. 140 (5),
amended

- (3) Subsection 5 of the said section 140, as amended by the Statutes of Ontario, 1971, chapter 84, section 8 and 1973, chapter 124, section 13, is further amended by inserting after “plan” in the third line “or under the Fire Mutuals Guarantee Fund”.

s. 143,
enacted

7. The said Act is amended by adding thereto the following section:

Fire Mutuals
Guarantee
Fund

R.S.O. 1970,
c. 254

143.—(1) The Superintendent may approve the terms of an agreement to establish and maintain a fund to be held in trust by a trust company registered under *The Loan and Trust Corporations Act*, such fund to be known as the Fire Mutuals Guarantee Fund.

Parties to
agreement
for Fund

(2) Subject to the approval of the Superintendent, an insurer licensed to transact business on the premium note plan, together with other insurers of the same class and The Farm Mutual Reinsurance Plan, Inc., may enter into the agreement.

Purposes
of Fund

(3) The assets of the Fire Mutuals Guarantee Fund may be used as directed by a board of trustees established under the agreement, with the approval of the Superintendent, for the purpose of satisfying claims by policyholders and third parties that cannot be met by the assets of an insurer who is a party to the agreement.

Assets
of Fund

(4) The assets of the Fund shall,

- (a) be maintained at no less than a book value of \$1,000,000 including the value of any assessments made to restore the book value of \$1,000,000, or such further amount as may be specified from time to time by the Superintendent;
- (b) be maintained or increased by assessments on parties to the agreement on the basis set out in the agreement referred to in subsection 1;

- (c) be an authorized investment within the meaning of subsection 8 of section 79 and the value to be included by each licensed insurer shall be proportional to its contribution to the trust and shall be subject to examination by the Superintendent in the same manner as the other assets and property of licensed insurers;
- (d) be invested and valued in the same manner and be subject to the same restrictions as the assets of a mutual fire insurance corporation carrying on business on the premium note plan.
- (5) No assessment referred to in clause *b* of subsection 4 shall be paid by an insurer if its effect would be to reduce the surplus of that insurer below the minimum amount specified by the Superintendent, and such a waiver of an assessment shall not be cause for the insurer's expulsion from the Fund. Relief from assessment
- (6) The Superintendent shall be deemed to have an interest in the Fund as representative of all persons who may be claimants against insurers that are parties to the agreement and the trustees shall from time to time furnish the Superintendent with such information and accounts with respect to the Fund as the Superintendent may require. Interest of Superintendent in Fund
- (7) The Superintendent may permit the withdrawal from the trust agreement of an insurer upon terms and conditions or, where an insurer is in default of payment of its assessment under the agreement, the Superintendent may withdraw his approval given under subsection 2. Withdrawal from agreement
- (8) An insurer that becomes a party to the agreement referred to in subsection 1 shall, except with the approval of the Superintendent, cease to undertake contracts of insurance or renew existing contracts of insurance on the premium note plan. Ceasing to issue contracts on premium note plan
- (9) All parties to the agreement and their officers and directors, shall be deemed to be persons engaged in the business of insurance for the purposes of this Act and the regulations and any contravention of the trust agreement constitutes an offence. Application of Act
- (10) An account filed with the Superintendent under subsection 6, except so far as mistake or fraud is shown, is binding and conclusive upon all interested persons as to all matters shown in the account and the trustees' administration thereof, unless the Superintendent, within six months Passing of accounts

of the date upon which the account is filed with him, requires in writing that such account be filed and passed before a judge of the surrogate court of the county or district in which the account is being administered.

Application
of R.S.O.
1970,
cc. 451, 470

(11) The provisions of *The Surrogate Courts Act* and the rules made thereunder and of *The Trustee Act* with respect to the passing of accounts of the trustees apply, *mutatis mutandis*, to the passing of accounts under subsection 10.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Insurance Amendment Act, 1975*.

CHAPTER 89

**An Act to amend
The Legislative Assembly Retirement
Allowances Act, 1973**

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Legislative Assembly Retirement Allowances Act, 1973*, being chapter 152, is repealed and the following substituted therefor: s. 1 (c),
re-enacted

(c) "Speaker" means the Speaker of the Assembly.

2. Section 2 of the said Act is amended by striking out "Minister" and inserting in lieu thereof "Speaker". s. 2,
amended
3. Subsection 3 of section 12 of the said Act is amended by striking out "Minister" in the second line and inserting in lieu thereof "Speaker". s. 12 (3),
amended
4. Subsection 1 of section 16 of the said Act is amended by striking out "Minister" in the third line and inserting in lieu thereof "Speaker". s. 16 (1),
amended
5. Subsection 3 of section 21 of the said Act is amended by striking out "Minister" in the second line and inserting in lieu thereof "Speaker". s. 21 (3),
amended
6. The said Act is amended by adding thereto the following section: s. 25a,
enacted

25a. The Speaker, for the purpose of augmenting from time to time allowances being paid under this Act may, by order, with the approval of the Board of Internal Economy, provide for the payment of supplementary benefits to persons receiving allowances under this Act and prescribe the amounts of such benefits, the times at which they shall be paid and the classes of persons entitled thereto. Augmenta-
tion of
allowances

s. 27 (2).
amended

7. Subsection 2 of section 27 of the said Act is amended by inserting after "allowances" in the fifth line "and supplementary benefits".

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Legislative Assembly Retirement Allowances Amendment Act, 1975*.

PART II
PRIVATE ACTS

Chapters 90 to 120

CHAPTER 90

An Act respecting the City of Brantford*Assented to April 18th, 1975*

WHEREAS The Corporation of the City of Brantford hereby Preamble
represents that it is desirable that the composition of the Board
of Governors of The Brantford General Hospital be varied as herein-
after provided; and whereas the applicant hereby applies for special
legislation for such purpose; and whereas it is expedient to grant
the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Clause *i* of subsection 2 of section 1 of *The City of Brantford* 1953, c. 113,
s. 1 (2) (i),
re-enacted
Act, 1953, being chapter 113, as re-enacted by the Statutes
of Ontario, 1971, chapter 106, section 1, is repealed and the
following substituted therefor:
 - (i) one person who shall be appointed from time to
time for a period of three years by the primary
chapters of Brantford of the Imperial Order Daugh-
ters of the Empire.
2. The member of the Board of Governors now holding office Present
member
under clause *i* of subsection 2 of section 1 of *The City of
Brantford Act, 1953*, as it existed immediately before the
coming into force of this Act, shall continue in office for the
term for which she is presently in office.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The City of Brantford Act, 1975*. Short title

CHAPTER 91

An Act respecting the City of Brantford*Assented to April 18th, 1975*

WHEREAS The Corporation of the City of Brantford, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purchase of the lands more particularly described Purchase of lands validated
in Registered Instrument A-162420 for the Registry Division
of Brant (No. 2) from The Navy League of Canada (Ontario
Division) by the Corporation is ratified and confirmed and
declared to be valid and binding and the conveyance of the
said lands to the Corporation shall be deemed to have the
effect of vesting the said lands in the Corporation in fee
simple and the lands so purchased shall be deemed to have
been acquired for the purposes of the Corporation.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The City of Brantford Act*, Short title
1975 (No. 2).

CHAPTER 92

An Act respecting the Township of Bruce*Assented to May 2nd, 1975*

WHEREAS The Corporation of the Township of Bruce Preamble
hereby applies for special legislation in respect of the
matter hereinafter set forth; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of The Corporation of the Township of By-law
authorized
Bruce is hereby authorized to pass by-laws, without obtain-
ing the approval of the Ontario Municipal Board, authorizing
the construction by the Corporation of a water works
system in the hamlet of Underwood, including connections,
and for the imposition upon the owners and occupants who
derive a benefit from the water works of a rate sufficient
to pay the capital cost of the system.

2. The council of The Corporation of the Township of Idem
Bruce is hereby authorized to pass a by-law, without
obtaining the approval of the Ontario Municipal Board,
authorizing the Corporation to borrow a sum not exceeding
\$29,000 and to issue debentures therefor payable in not
more than twenty years, for the purpose of paying the cost
of said water works installed by the said Corporation.

3. Sections 55, 56, 57 and 58 of *The Ontario Municipal* Application
of
Board Act apply with respect to any by-law passed under R.S.O. 1970,
c. 323, ss. 55-58
section 2, and to any debentures issued thereunder.

4. For the purposes of every Act, the Ontario Municipal Order of
O.M.B.
deemed
issued
Board shall be deemed to have issued an order under sec-
tion 64 of *The Ontario Municipal Board Act* authorizing the
installation of the said water works referred to in section 1
and the imposition of a rate on the owners and occupants
who derive a benefit, as referred to in section 1, and
authorizing The Corporation of the Township of Bruce
to issue debentures under section 2.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Township of Bruce Act, 1975*.

CHAPTER 93

An Act respecting the Town of Cobourg*Assented to May 16th, 1975*

WHEREAS The Corporation of the Town of Cobourg ^{Preamble} hereby represents that it is desirous of providing for the establishment of The Cobourg Parks and Recreation Board for the better development and supervision of its public parks and recreational activities; that for such purposes it is necessary to endow such board with all the duties, responsibilities, powers and privileges of the Board of Parks Management, constituted by By-law No. 1470, The Cobourg Recreation Commission, constituted by By-law No. 1903, The Cobourg Memorial Rink and Recreational Centre Board, constituted by By-law No. 1905, The Victoria Park Athletic Field Board, constituted by By-law No. 2238, The Community Centre Board, constituted by By-law No. 2292, The Kiwanis Park Athletic Field Board, constituted by By-law No. 2301, The Cobourg Centennial Swimming Pool Board, constituted by By-law No. 25-68 and The Rotary Outdoor Skating Rink Board, constituted by By-law No. 41-72; and whereas the applicant hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,**Interpre-
tation**

- (a) "Board" means The Cobourg Parks and Recreation Board;
- (b) "Council" means the council of the Town of Cobourg;
- (c) "Corporation" means The Corporation of the Town of Cobourg;
- (d) "Town" means the Town of Cobourg.

Cobourg
Parks and
Recreation
Board
1974, cc. 120, 80
R.S.O. 1970,
c. 384

2.—(1) Notwithstanding *The Ministry of Culture and Recreation Act, 1974* and the regulations thereunder, *The Community Recreation Centres Act, 1974*, and the regulations thereunder and *The Public Parks Act*, there shall be a board to be known as The Cobourg Parks and Recreation Board, which shall consist of,

- (a) three members of Council appointed by the Council;
and
- (b) four other persons appointed by the Council who are resident in the Town and qualified to be elected as members of the Council but who are not members of the Council.

Term of
office

(2) The members of the Board who are not members of the Council shall hold office for two years, provided that, on the first appointment, the Council shall designate which members shall hold office,

- (a) until the 1st day of January of the year next following the date of his appointment;
- (b) until the 1st day of January of the second year next following the date of his appointment,

respectively, so that one-half of such members shall retire each year.

Appointment
of Council
members

(3) The members of the Board who are members of Council shall be appointed biennially to correspond with their term of office.

Reappoint-
ment

(4) The members of the Board shall hold office until their successors are appointed, and are eligible for reappointment.

Vacancy

(5) Where a member ceases to be a member of the Board before the expiration of his term of office, the Council shall appoint another eligible person for the unexpired portion of that term.

When
appointments
to be made

(6) The first appointments of members of the Board shall be made by the Council immediately upon the coming into force of this Act to take office on the 1st day of January, 1976, and thereafter the appointments shall be made annually at the first meeting of the Council in any year, and any vacancy arising from any cause other than the expiration of the term for which the member was appointed shall be filled at the first meeting of the Council held after the vacancy occurs.

3. Except as otherwise provided in this Act, *The Ministry of Culture and Recreation Act, 1974* and the regulations thereunder and *The Community Recreation Centres Act, 1974*, and the regulations thereunder and *The Public Parks Act*, except the provisions constituting a board of park management as a corporation and authorizing such a board to acquire and to hold land, apply to The Cobourg Parks and Recreation Board as if it had been established in accordance with such Acts and regulations.

Application
of
1974, c.c. 120, 80
R.S.O. 1970,
c. 384

4.—(1) The Cobourg Parks and Recreation Board shall be constituted as of the 1st day of January, 1976, and The Board of Parks Management, The Cobourg Recreation Commission, The Cobourg Memorial Rink and Recreational Centre Board, The Victoria Park Athletic Field Board, The Community Centre Board, The Kiwanis Park Athletic Field Board, The Cobourg Centennial Swimming Pool Board and The Rotary Outdoor Skating Rink Board shall be dissolved as of the same date, and the assets and liabilities thereof shall become the assets and liabilities of the Town.

Boards, etc.,
dissolved

(2) By-laws of The Corporation of the Town of Cobourg, Numbers 1470, 1903, 1905, 2238, 2292, 2301, 25-68 and 41-72 shall be deemed to be repealed as of the 1st day of January, 1976.

By-laws
deemed
repealed

5. The Board may contract and may sue and be sued in its own name, and the members thereof are not personally liable for torts committed by other members of the Board or its servants or agents or on any contract made by the Board.

Liability
of Board
members

6.—(1) The Board shall, on or before the 15th day of February in each year, submit to the Council an itemized estimate of its financial requirements for the year, and, subject to the provisions of *The Public Parks Act*, the Council may amend such estimate and shall pay out of the moneys appropriated for the Board such amounts as may be requisitioned from time to time by the Board.

Estimates

R.S.O. 1970,
c. 384

(2) Where any moneys have been included in the estimates of the Board for a designated purpose, they shall be used by the Board only for such designated purpose and not otherwise.

Application
of moneys for
designated
purpose

7. The Board shall operate, maintain, manage and develop on behalf of the Town all recreational centres, parks, playgrounds and other real property of a like nature vested in or leased by the Town and used or designed for recreational purposes and shall be in charge of, manage and make avail-

Powers and
duties of
Board

able for recreational purposes all recreational equipment, recreational facilities and other personal property belonging to the Town and used or designed for recreational purposes.

Idem

1974, c. 80

8. The Board shall operate, maintain and manage on behalf of the Town all properties which are now or which may hereafter be established as community centres pursuant to *The Community Recreation Centres Act, 1974*, or the regulations made thereunder.

Remunera-
tion

9. The Council may pay the members of The Cobourg Parks and Recreation Board, who are not members of the Council for their services annually such amount as the Council may determine, but such amount shall not exceed the annual amount allowed to the members of the Council.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Town of Cobourg Act, 1975*.

CHAPTER 94

An Act respecting the Borough of Etobicoke*Assented to April 18th, 1975*

WHEREAS The Corporation of the Borough of Etobicoke, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1.—(1) Notwithstanding the provisions of *The Local Im-* Assumption
of local
improvement
charges
R.S.O. 1970,
cc. 255, 284
provement Act or of section 362 of *The Municipal Act*, all
assessments, rates or charges levied or to be levied for works
constructed under the authority of by-laws heretofore en-
acted under the provisions of *The Local Improvement Act*
with the exception of clause *n* of subsection 1 of section 2
thereof or under the provisions of section 362 of *The Municipal*
Act shall be assumed and paid for by the Corporation as a
whole as a charge upon all the rateable property in the
Borough of Etobicoke.

(2) All liens or charges upon lands in the Borough of Discharge
of
liens
Etobicoke created by reason of any expenditure made under
The Local Improvement Act with the exception of clause *n*
of subsection 1 of section 2 thereof or under section 362 of
The Municipal Act are hereby discharged.

(3) All debentures issued by or on behalf of the Corpora- Debentures
tion to raise funds for the payment of works constructed
under the authority of any by-law enacted under the
provisions of *The Local Improvement Act* with the exception
of clause *n* of subsection 1 of section 2 thereof or under the
provisions of section 362 of *The Municipal Act* are hereby
declared to be a debt of the Corporation as a whole and
shall be a charge upon all the rateable property in the
Borough of Etobicoke.

(4) The Corporation is hereby authorized to proceed Approved
works
with the construction of any works that have been approved

R.S.O. 1970,
cc. 255, 284

by the Ontario Municipal Board as a result of an application for approval thereof under the provisions of a by-law enacted under *The Local Improvement Act* or section 362 of *The Municipal Act* and for which debentures have not yet been issued and The Municipality of Metropolitan Toronto is hereby authorized to issue debentures therefor or for works which have been completed under any such by-law in such amounts as the Ontario Municipal Board may have approved.

Debentures
charge upon
property

(5) Debentures referred to in subsection 4 except those issued pursuant to a by-law enacted under clause *n* of subsection 1 of section 2 of *The Local Improvement Act* shall be a charge upon all of the rateable property in the Borough of Etobicoke.

Courts
of
revision

(6) Where a work is being or has been constructed under the provisions of *The Local Improvement Act* except work authorized pursuant to clause *n* of subsection 1 of section 2, the Corporation shall not be obligated to hold any courts of revision or take any other proceedings under the provisions of that Act.

Works not
precluded

(7) Nothing in this Act shall preclude the Corporation from undertaking any work under the provisions of *The Local Improvement Act* or section 362 of *The Municipal Act*.

Interpre-
tation

2.—(1) In this section,

- (a) “designated fire route” means a fire route so designated by by-law of the Corporation;
- (b) “fire route” means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;
- (c) “park” or “parking” when prohibited means the standing of a vehicle, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) “stop” or “stopping” when prohibited means the halting of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;

(e) "trailer" means a vehicle that is at any time drawn upon a highway by a vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon the highway and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the vehicle by which it is drawn;

(f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws,

Power to
pass by-laws
re fire
routes
R.S.O. 1970,
c. 284

(a) regulating and designating fire routes, and, without limiting the generality of the foregoing, the by-laws may include the following:

1. The dimensions, location, construction and maintenance standards of a fire route or of a designated fire route.
2. The location, the number and proximity to a building or structure of water hydrants.
3. Authority to the Building Commissioner of the Corporation to refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection or unless the security referred to in paragraph 4 has been filed.
4. Provision for the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection.

5. Provision for the return or release, in whole or in part, of the security referred to in paragraph 4.
 6. Requirements that existing fire routes which do not comply with the provisions of the by-laws passed pursuant to this subsection, comply, and the establishment of a time limit within which the fire routes are required to comply, or where there is a requirement for a fire route to an existing building or structure, that it be constructed within the period established in the by-laws passed pursuant to this subsection;
- (b) diverting, altering or stopping-up, for a period or permanently, designated fire routes;
 - (c) regulating and governing traffic on designated fire routes;
 - (d) prohibiting the parking or leaving of a vehicle unattended on a designated fire route and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner of the vehicle;
 - (e) providing for the erection of signs, including the granting of the right to enter on land to accomplish this, and providing that the effect of the signs shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;
 - (f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route and for the erection of signs, and providing for recovery of fees and charges in the event of non-payment in the same manner as a by-law enacted pursuant to *The Municipal Act*;
 - (g) Part XXI of *The Municipal Act* applies to a by-law passed under this section;
 - (h) clause *a* of paragraph 107 of section 354 of *The Municipal Act* applies to penalties provided by a by-law passed under this section;

(i) the driver of a vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this section and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent;

(j) authorizing a peace officer or a full time fire fighter, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to have the vehicle or trailer moved to and stored in another location, and providing that all costs and charges of removal and storage thereof are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,
c. 267

(3) Before passing a by-law pursuant to subsection 2,

Notice
of
by-law

(a) the council of the Corporation shall cause notice of the proposed by-law to be sent by prepaid mail to every owner and occupant as shown on the last revised assessment rolls whose lands or premises may be prejudicially affected by the proposed by-law; and

(b) the council of the Corporation or a committee of council shall hear in person or by his counsel, solicitor or agent, any person who claims that his lands or premises will be prejudicially affected by the by-law and who applies to be heard within four weeks of the notice being sent.

(4) A notice sent under subsection 3 shall include a statement of the estimated expenses that will be incurred by the owner of the lands on which the fire route is to be designated.

Contents of
notice

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

4. This Act may be cited as *The Borough of Etobicoke Act, 1975*.

Short title

CHAPTER 95

An Act respecting the Borough of Etobicoke*Assented to April 18th, 1975*

WHEREAS The Corporation of the Borough of Etobicoke, ^{Preamble}
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The council of the Corporation may pass by-laws ^{Snow}
providing that the Corporation may, at its expense, clear ^{removal from}
away and remove snow and ice from the sidewalks ^{sidewalks}
on the
highways in front of, alongside or at the rear of buildings
owned or occupied by any class or classes of persons.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The Borough of Etobicoke* ^{Short title}
Act, 1975 (No. 2).

CHAPTER 96

**An Act respecting the
Township of Goulbourn***Assented to May 2nd, 1975*

WHEREAS The Corporation of the Township of Goulbourn, herein called the Corporation, hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Regional Municipality of Ottawa-Carleton, when required by by-law or resolution of the council of the Corporation shall pass by-laws, without obtaining the approval of the Ontario Municipal Board and without the recital of Municipal Board approval therein, to borrow the sum of \$250,000, upon debentures made payable in not more than twenty years, for the purpose of paying the cost of building a municipal office building for the Corporation, and the by-laws when duly passed shall be legal, valid and binding upon The Regional Municipality of Ottawa-Carleton and the debt or debts thereby created and all debentures issued under such by-law or by-laws shall be direct, joint and several obligations of The Regional Municipality of Ottawa-Carleton and the eleven area municipalities constituting The Regional Municipality of Ottawa-Carleton and shall be repaid by levies against the Corporation. Debenture by-law to be passed by Regional Municipality of Ottawa-Carleton

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Township of Goulbourn Act, 1975*. Short title

CHAPTER 97

An Act respecting the City of Hamilton

Assented to May 16th, 1975

WHEREAS The Corporation of the City of Hamilton hereby ^{Preamble} represents that it is desirable to increase the penalty for contravention of Building By-law No. 4797 as provided in subsection 4 of section 1 of *The City of Hamilton Act, 1951*, from \$300 to \$1,000 ^{1951, c. 103} to accord with penalties for contravention of by-laws under *The Municipal Act*; that it is desirable to extend the privilege of reduced bus fares to persons in receipt of disability pensions from private sources in addition to the class of persons already in receipt of such benefits; that it is desirable to increase the membership of the Board of the Hamilton Performing Arts Corporation, Inc., from seven members to nine members and to obtain exemption from municipal taxation; and whereas the applicant hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application; ^{R.S.O. 1970, c. 284}

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 1 of *The City of Hamilton Act, 1951*, ^{1951, c. 103, s. 1(4), amended} being chapter 103, as amended by *The City of Hamilton Act, 1958*, chapter 138, section 5, is further amended by striking out "\$300" in the amendment of 1958 and inserting in lieu thereof "\$1,000".
2. Clause *b* of section 1 of *The City of Hamilton Act, 1970*, being ^{1970, c. 153, s. 1(b), amended} chapter 153, as amended by *The City of Hamilton Act, 1974*, chapter 143, section 1, is further amended by adding thereto the following subclause:

(vi) a person in receipt of compensation or an allowance for a disability under a non-governmental disability plan.

- 3.—(1) Section 3 of *The City of Hamilton Act, 1972*, being chapter ^{1972, c. 178, s. 3, re-enacted} 178, is repealed and the following substituted therefor:

3. The board shall be comprised of nine members of whom, ^{Board of directors}

(a) four directors shall be members of the council; and

(b) five directors shall not be members of the council.

1972,
c. 178, s. 21,
amended

(2) Section 21 of the said Act is amended by adding at the end thereof “and *The Assessment Act*”.

1972, c. 178,
amended

(3) The said Act is amended by adding thereto the following section:

TAXATION

Corporation
deemed not
tenant or
occupier

21a. The corporation shall be deemed not to be,

(a) a tenant or lessee who is liable to taxation; or

(b) occupying the Theatre-Auditorium for the purpose of or in connection with any business or carrying on of business,

R.S.O. 1970,
c. 32

for the purposes of *The Assessment Act*.

Council
may pass
by-laws

4. The council of The Corporation of the City of Hamilton may, upon such terms and conditions and in such manner as council determines, pass by-laws permitting,

(a) an encroachment upon the south side of King Street West by,

(i) the Art Gallery Building to a maximum of four feet, six inches, and

(ii) the Trade and Convention Centre building to a maximum of six feet;

(b) an encroachment over the south side of King Street West by the Trade and Convention Centre to a maximum of ten feet at a height of sixteen feet above street level;

(c) an encroachment under street level on the south side of King Street West by the Central Utilities Plant section of the underground parking garage to a maximum of ten feet.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of Hamilton Act, 1975*.

CHAPTER 98

An Act respecting the City of Hamilton*Assented to May 16th, 1975*

WHEREAS The Corporation of the City of Hamilton, ^{Preamble} herein called the Corporation, hereby represents that the Hamilton Harbour Commissioners, herein called the Commissioners, as owners of lands on which is situate Lakeland Beach Swimming Pool, granted a licence of occupation dated the 1st day of February, 1961 to John Sebo, as owner and operator of the pool, which licence extended from 1961 until 1990; that the licence of occupation provided, *inter alia*, that the licensee shall pay a fee of \$4,000 per year from 1961 to 1964, \$5,000 per year from 1965 to 1974 and \$6,000 per year from 1975 to 1989, and further provided that the Commissioners would apply to the Corporation, at the request of the licensee, for annual grants sufficient to pay any realty and business taxes; that applications for grants were made by the Commissioners and the grants applied for were paid by the Corporation to the Commissioners for each of the years 1961 to 1967 inclusive; that the licensee paid all realty and business taxes for each of the years 1961 to 1967 inclusive; that the Corporation acquired title to the lands from the Commissioners by deed dated the 27th day of September, 1968 and thereupon became the licensor in the licence of occupation in place of the Commissioners; that the Corporation made grants to the licensee for the years 1968 and 1969 and for the period January 1st, 1970 to May 11th, 1970 of amounts equivalent to the realty and business taxes by charging the grants account of the Corporation for each year; that, with the consent of the Corporation, the original licensee, John Sebo, assigned the licence of occupation to Santa Barbara Investments Limited, hereinafter called the Company, under date of June 16th, 1970; that the Corporation has, under the licence of occupation, the right to exercise an option, if the company is in default under the Agreement, to purchase the swimming pool at the price of \$115,000, less 56 per cent in 1975 or less 58.93 per cent during the period from 1976 to 1988 or less 58.98 per cent in 1989; that the Company is in arrears of realty taxes and business taxes since May, 1970; and that in order to permit the pool to continue to operate it is desirable to cancel the arrears of business and realty

taxes and to forgive annually during the term of the licence of occupation the accruing business and realty taxes; and whereas the Corporation hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Council
may pass
by-laws
cancelling
taxes

1. The council of the Corporation may pass by-laws authorizing the Corporation to cancel,

- (a) arrears of business and realty taxes from 1970; and
- (b) business and real property taxes in each year as they become due and payable to and including 1989,

in respect of Lakeland Beach Swimming Pool.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Hamilton Act, 1975* (No. 2).

CHAPTER 99

An Act respecting the City of Hamilton*Assented to May 16th, 1975*

WHEREAS The Corporation of the City of Hamilton,^{Preamble} herein called the Corporation, hereby represents that it is desirable to provide relief from the provisions of any by-law of the municipality requiring the provision or maintenance of parking facilities in respect of commercial development by permitting owners or occupants of land in commercial areas an option of making cash payments to the Corporation in lieu of all or part of the parking or maintenance of the said parking facilities, such funds to be used by the Corporation for an off-street parking program operated by the Parking Authority of the Corporation in commercial areas for the benefit of the business in the areas; and whereas the Corporation also represents that it is desirable to provide permit parking for a fee on streets; and whereas the Corporation hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,**Interpre-
tation**

- (a) “commercial area” means an area where the Parking Authority may operate public off-street parking facilities for the benefit of commercial uses;
- (b) “cost” means the total cost of acquisition of lands, construction, equipment and devices estimated on the current cost for required parking space in the commercial area taking into account whether the parking facility will likely be a surface lot or a parking structure of more than one level;
- (c) “Parking Authority” means The Parking Authority of the City of Hamilton.

Relief from
parking
requirements

(2) The council of the Corporation may by by-law authorize agreements with owners or occupants of buildings or structures to be erected, extended, enlarged or the use of which is changed, in commercial areas, providing for relief from the provisions in any other by-law of the Corporation requiring the provision or maintenance of parking facilities on land that is not part of a highway and exempting the owner or occupant to the extent specified in the agreement from the necessity of providing or maintaining such facilities.

Payment
in lieu
of parking

(3) Every agreement referred to in subsection 1 shall,

- (a) be subject to the approval of the Ontario Municipal Board;
- (b) provide for the payment to the Corporation of at least 50 per cent of the cost of providing public off-street parking facilities in the commercial area, either in a lump sum payment or by instalments, together with interest at a rate therein specified; and
- (c) provide that the amount payable under the agreement may be paid as required by the Corporation,
 - (i) upon the issue of a building permit, or
 - (ii) in not more than ten equal annual instalments including interest thereon concurrently with payment of real property taxes commencing in the calendar year during which the building permit is issued.

Disposition
of moneys

(4) All moneys received under an agreement made pursuant to a by-law authorized by subsection 2, shall be paid into a special account and the moneys in such special account shall be expended only for the provision of public off-street parking facilities at such times and at such locations as the Parking Authority considers advisable.

Registration
of agreement

(5) Every agreement referred to in subsection 2 shall be registered against the land affected thereby in the proper land registry office.

Lien and
charge

(6) Upon registration of the agreement as required in subsection 5, the moneys payable under the agreement,

- (a) shall be a lien and charge upon the lands described therein; and

- (b) may be collected in the same manner and with the same remedies as provided by *The Municipal Act* R.S.O. 1970, c. 284 for the collection of real property taxes.

(7) Upon the Corporation being paid in full, all moneys Discharge of agreement payable under the agreement or upon termination of the agreement, the clerk of the Corporation shall register in the proper land registry office against such lands, a certificate stating that the moneys payable under the agreement have been fully paid or that the agreement has been terminated.

(8) No person paying the cost referred to in clause b of subsection 3 and any interest thereon shall by reason only Effect of payment of having paid such cost acquire any right, title or interest in any parking facility or be entitled to free or reduced-rate parking.

2.—(1) The council of the Corporation may by by-law, Permit for parking

- (a) allow the parking of motor vehicles at specified places on designated highways or designated parts of highways for specified periods and during specified hours pursuant to permits issued;
- (b) charge such fee as the council may determine for the privilege of parking for such periods and during such times as the by-law provides;
- (c) provide for the commencement, expiry and cancellation of permits and the refunding of the unexpired portion of the fee;
- (d) prohibit the parking, standing or stopping of motor vehicles at any place on the designated highways or the designated parts of highways during specified hours except by authority of a permit issued; and
- (e) provide for exemptions from parking, standing or stopping prohibitions of any by-law of the Corporation regulating traffic where a permit is issued.

(2) No by-law passed under subsection 1 which affects a highway designated as a connecting link or extension of the King's Highway pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act*, When by-law becomes operative shall become operative until approved by the Minister of Transportation and Communications. R.S.O. 1970, c. 201

(3) For the purpose of this section, "motor vehicle" does Interpretation not include commercial motor vehicles as defined in *The Highway Traffic Act*, campers, trailers and motor homes. R.S.O. 1970, c. 202

Removing
or tagging
offending
vehicle

(4) A constable or a by-law enforcement officer upon complaint of the person to whom a permit has been issued or upon discovery of any motor vehicle parking, standing or stopping in contravention of any provision of a by-law passed pursuant to this section may,

(a) cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges of removing the motor vehicle and the storage thereof, if any, are a lien upon the motor vehicle, which may be enforced in the manner provided under section 48 of *The Mechanics' Lien Act*; or

R.S.O. 1970,
c. 267

(b) attach to the motor vehicle a serially numbered parking tag in accordance with the traffic by-law of the Corporation.

Voluntary
payment

(5) A by-law passed pursuant to this section may provide a procedure for the voluntary payment of penalties and the amount of the penalties out of court in cases where it is alleged that the parking, standing or stopping provisions of the by-law have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies.

R.S.O. 1970,
c. 284

Penalty

(6) Every person who contravenes any provision of a by-law passed pursuant to this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$50.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Hamilton Act, 1975 (No. 3)*.

CHAPTER 100

An Act respecting Harford Limited*Assented to May 16th, 1975*

WHEREAS Raymond Kizell, Joan Kizell and Walter W. Viner hereby represent that Harford Limited was incorporated by letters patent dated the 10th day of April, 1959; that the Provincial Secretary by order dated the 12th day of March, 1969, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the corporation for default in filing annual returns and declared the corporation to be dissolved on the 16th day of April, 1969; that the applicants were all directors and the holders of all the common shares of the corporation at the time of its dissolution; and that the corporation at the time of its dissolution was and is now carrying on an active business in premises owned by it and known as 541 College Street, Kingston, Ontario; and whereas the applicants hereby apply for special legislation reviving the corporation; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Harford Limited, incorporated by letters patent dated the 10th day of April, 1959, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Harford Limited revived

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Harford Limited Act, 1975*. Short title

CHAPTER 101

An Act respecting Huron College

Assented to April 18th, 1975

WHEREAS Huron College hereby applies for special legislation ^{Preamble} varying the provisions of its Act of incorporation in relation to its organization, government and administration; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *b* of subsection 2 of section 8 of *The Huron College Act, 1958*, being chapter 139, are repealed and the following substituted therefor: ^{s. 8 (2) (a, b), re-enacted}

(a) the Bishop of Huron, the Coadjutor and Suffragan Bishop or Bishops of Huron, the Principal, the Dean of Arts, the Dean of Theology and the Registrar of Huron College, the President of the Huron College Students' Council, the Vice-President of the Huron College Students' Council and the President of the Huron College Alumni, who shall be *ex officio* members;

(b) four clergymen and four laymen, other than members of the faculty, students or employees of Huron College, elected by the Synod of the Diocese of Huron.

(2) Subsection 4 of the said section 8 is repealed and the following substituted therefor: ^{s. 8 (4), re-enacted}

(4) The *ex officio* and elected members shall appoint ten ^{Appointed members} members, other than members of the faculty, students or employees of Huron College, of whom at least eight shall be laymen, and the full-time members of the faculty of Huron College and the Deans shall appoint two of their number, each of whom shall have taught at Huron College on a full-time basis for not less than two years while holding the rank of assistant professor or higher rank.

s. 9,
amended

- 2.** Section 9 of the said Act is amended by adding thereto the following subsection:

Idem

(4) No person shall be eligible for election or appointment as a member of the Corporation unless he is a Canadian citizen.

s. 10 (2, 3),
re-enacted

- 3.** Subsections 2 and 3 of section 10 of the said Act are repealed and the following substituted therefor:

Eligibility
for
re-election

(2) No elected member who has served three full consecutive terms shall be eligible for re-election until at least one year has elapsed after the termination of the third of such terms.

Elections

(3) At the first election and appointment of members after the coming into effect of this section, the full-time members of the faculty of the College shall, under subsection 4 of section 8, appoint one member for a three year term and one member for a two year term.

s. 11 (1),
amended

- 4.**—(1) Subsection 1 of section 11 of the said Act is amended by inserting after “A” in the first line “non-faculty”.

s. 11 (2),
re-enacted

(2) Subsection 2 of the said section 11 is repealed and the following substituted therefor:

Term of
office

(2) Subject to subsection 3, a faculty member appointed to the Corporation under subsection 4 of section 8 shall,

(a) hold office for a term of three years or, where his successor is not appointed, until his successor is appointed;

(b) be eligible for reappointment from time to time provided that where the member shall have served for two consecutive terms of office, at least one year shall have elapsed after the expiration of the most recent of such consecutive terms.

Ceases to
be member

(3) Where a faculty member ceases to be a member of the faculty of the College, he shall cease to be a member of the Corporation.

s. 12,
re-enacted

- 5.** Section 12 of the said Act is repealed and the following substituted therefor:

Elections
and appoint-
ments

12.—(1) Subject to subsection 2, the election and appointment of members of the Corporation shall take place at two year intervals as close as may be to the commencement of each academic year.

(2) The appointment of members under subsection 4 of section 8 shall take place from time to time as required by the expiry of the term of office of a member appointed thereunder. Appoint-
ments

6. Section 17 of the said Act is amended by adding thereto the following subsections: s. 17
amended

(3) Subject to subsection 4, the meetings of the Corporation shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Corporation shall determine, and no person shall be excluded therefrom except for improper conduct, but, where confidential matters of the College are being considered, that part of the meeting may be held *in camera*. Meetings
open to
public

(4) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that such part of the meeting be open to the public. Meetings
in camera

(5) The by-laws of the Corporation shall be open to examination by members of the College community during normal business hours. Examination
of by-laws

(6) The Corporation shall publish its by-laws from time to time in such manner as it may consider proper. Publication
of by-laws

7. Section 22 of the said Act, as re-enacted by the Statutes of Ontario, 1964 chapter 131, section 4, is repealed and the following substituted therefor: s. 22,
re-enacted

22. There shall be an Executive Board of the College to consist of the Bishop of Huron, the Coadjutor and Suffragan Bishop or Bishops of Huron, the Principal, the Chairman of the Executive Board, the President of the Huron College Students' Council and twelve members appointed as provided in subsection 4 of section 8. Executive
Board

8. Section 23 of the said Act is amended by adding thereto the following subsection: s. 23,
amended

(2) A member of the Executive Board or of a committee created by it who is in any way interested in a proposed contract with the College shall declare his interest at any meeting at which the proposed contract is considered, shall withdraw from the meeting during any discussion of such contract, and shall not vote thereon. Declaration
of interest

s. 31 (a-c),
re-enacted

9. Clauses *a*, *b* and *c* of section 31 of the said Act are repealed and the following substituted therefor:

- (a) the Principal, the Deans, the full professors of the full-time teaching faculty and the Chief Librarian of the College, who shall be *ex officio* members;
- (b) nine members elected by the associate professors, assistant professors and members other than full professors of the full-time teaching faculty of the College, from their number;
- (c) the members, being not more than one-half the number of members provided for in clauses *a* and *b*, appointed by those members of the Corporation who are not full professors, associate professors, assistant professors, or other members of the full-time teaching faculty of the College; and
- (d) the President of the Huron College Students' Council, the Theological Representative on the Huron College Students' Council, the Academic Representative on the Huron College Students' Council, who shall be *ex officio* members, and four students named by the Huron College Students' Council who must be registered at the College while serving on the Academic Council.

s. 32,
re-enacted

10. Section 32 of the said Act is repealed and the following substituted therefor:

Term of
office of
elected
members

32.—(1) Elected members of the Council shall hold office for a term of three years and any such member shall cease to hold office when he ceases to be a full-time member of the faculty of the College.

Term of
office of
appointed
members

(2) The members of the Corporation appointed to the Council shall hold office for a term of one year and shall be eligible for reappointment, and any such appointed member shall cease to hold office when he ceases to be a member of the Corporation.

Term of
office of
student
members

(3) The student members of the Council appointed by the Huron College Students' Council shall hold office for a term of one year and shall be eligible for reappointment.

Filling
vacancies

(4) Where a vacancy occurs on the Council, the vacancy may be filled in the same manner and by the same authority as the member whose membership is vacant was appointed,

and the member so appointed shall hold office for the remainder of the term of office of the member whose membership became vacant.

- 11.** Section 34 of the said Act is repealed and the following substituted therefor: s. 34,
re-enacted

34. The Council shall, from time to time, set the number of its members which shall constitute a quorum, but in no case shall it be less than one-third of its members. Quorum

- 12.** Subsection 2 of section 38 of the said Act is amended by striking out "and shall be a clergyman of the Anglican Communion" in the second and third lines. s. 38 (2),
amended

- 13.** Section 40 of the said Act is repealed and the following substituted therefor: s. 40,
re-enacted

40.—(1) The Executive Board shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Corporation at least once a year. Appointment
of auditors
R.S.O. 1970,
c. 373

(2) The Executive Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. Annual
financial
reports

(3) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Report by
Minister

- 14.** This Act comes into force on the day it receives Royal Assent. Commence-
ment

- 15.** This Act may be cited as *The Huron College Act, 1975*. Short title

CHAPTER 102

An Act respecting the Town of Kapuskasing*Assented to May 16th, 1975*

WHEREAS The Corporation of the Town of Kapuskasing hereby represents that by proclamation made by the Lieutenant Governor on the 20th day of November, 1974, pursuant to section 97 of *The Assessment Act*, sections 86, 90 and 91 of the said Act ceased to be in force in the Town of Kapuskasing; that the effect thereof is to require the assessment roll to be returned in 1974 for taxation in 1975 to be based on market value rather than as set forth in the assessment roll returned in 1970 for taxation in the year 1971 as provided in section 86 of the said Act; that it is desirable that sections 86, 90 and 91 of the said Act be made to continue in force in the Town of Kapuskasing; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 32

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The proclamation made by Her Honour the Lieutenant Governor on the 20th day of November, 1974, pursuant to section 97 of *The Assessment Act* shall be deemed not to have taken effect in the Town of Kapuskasing and the proclamation is declared to be of no further force and effect.

Proclamation
deemed not
to have
taken effect

2. Sections 86, 90 and 91 of *The Assessment Act* shall be deemed to have been in force in the Town of Kapuskasing from and after the 2nd day of December, 1974.

R.S.O. 1970,
c. 32, ss. 86,
90, 91 deemed
in force

3. Subject to this Act, the provisions of *The Assessment Act* apply in the Town of Kapuskasing.

Application

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Town of Kapuskasing Act*, 1975.

Short title

CHAPTER 103

An Act respecting the City of Kingston*Assented to April 18th, 1975*

WHEREAS The Corporation of the City of Kingston, ^{Preamble}
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) In this section, “owner” when referring to an ^{Interpre-}
owner of land means a person shown on the latest revised ^{tation}
assessment roll for the Corporation as owning any lands
abutting on any highway or part thereof that the council
of the Corporation proposes to designate under a by-law
passed under subsection 2.

(2) Subject to subsection 4, the council of the Corporation ^{Council}
may pass by-laws, ^{may pass}
^{by-laws}

- (a) permitting owners of motor vehicles, or any class or
classes thereof, to park on designated highways or
parts thereof during specified hours pursuant to
issued permits;
- (b) prescribing fees to be charged for parking permits;
- (c) providing for the issuance and cancellation of
parking permits and the refunding of any unexpired
portion of any fee paid;
- (d) prohibiting the parking of motor vehicles on desig-
nated highways or parts thereof during specified
hours;
- (e) designating highways or parts of highways within
the City of Kingston for purposes of clauses *a* and *d*.

Notice
of intent

(3) Prior to passing a by-law under subsection 2, the council of the Corporation shall send to each owner at the address shown for him on the assessment roll, by prepaid mail, notice of its intention to pass the by-law and to designate any highway or part thereof.

Objection by
petition

(4) If the city clerk for the Corporation receives a petition objecting to any proposed designation of a highway or part thereof under the authority of clause *e* of subsection 2 signed by at least two-thirds of the owners within thirty days of the latest mailing of the notices mentioned in subsection 3, the council of the Corporation shall not pass the proposed by-law.

Renewed
proposal

(5) Where any highway or part thereof was not designated as a result of the operation of subsection 4, the council of the Corporation may propose another by-law under clause *e* of subsection 2 in respect of that highway or part thereof after the expiration of two years from the time the city clerk of the Corporation had received the petition objecting to the proposed designation.

Revenue
fund

(6) The net revenue obtained from the charges collected under a by-law passed under subsection 2 shall be paid into a reserve fund and the reserve fund shall be applied for the acquisition, establishment and improvement of parking lots or facilities and for such other purposes as the Ministry of Treasury, Economics and Intergovernmental Affairs may approve.

Voluntary
payment

(7) A by-law passed under subsection 2 may provide a procedure for the voluntary payment of penalties in cases where it is alleged that the parking provisions of the by-law have been contravened, and the owner of the motor vehicle shall incur the penalties provided for any violation unless, at the time of the violation, the motor vehicle was in the possession of some person other than the owner without the owner's consent.

When by-law
becomes
operative

R.S.O. 1970,
c. 201

(8) No by-law passed under subsection 2 which affects any highway designated as a connecting link or extension of the King's Highway pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act* shall become operative until approved by the Minister of Transportation and Communications.

Application
of
R.S.O. 1970,
c. 284,
Part XXI

(9) Part XXI of *The Municipal Act* applies to any by-law passed under subsection 2.

2. This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}

3. This Act may be cited as *The City of Kingston Act, 1975*. ^{Short title}

CHAPTER 104

An Act respecting the City of London*Assented to May 16th, 1975*

WHEREAS The Corporation of the City of London, ^{Preamble}
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation is hereby authorized and empowered to pass three by-laws consolidating a ^{Consolidating by-laws}
by-law passed on the 6th day of September, 1966, as No. C.P.-306-480 and the amendments made thereto, a further by-law passed on the 19th day of December, 1966, as No. C.P.-315-691 and the amendments made thereto, and a further by-law passed on the 19th day of February, 1968, as No. C.P.-374-175 and the amendments made thereto.

(2) The provisions of the consolidating by-laws shall ^{Effective dates}
be as effective and binding as if they had been enacted and passed on the dates of their original enactment by the said by-laws No. C.P.-306-480, No. C.P.-315-691 and No. C.P.-374-175 and the dates of the several amendments thereto shall be effective as of the dates of their enactments.

2.—(1) The council of the Corporation may, by by-law, ^{Acting head of council}
passed within thirty days of the council assuming office, designate three additional members of council to act as head of council in the absence or incapacity of the mayor or deputy mayor.

(2) In instances where the head of council or the deputy ^{Idem}
mayor are both absent from the municipality, or absent through illness, the member of the council so named in the order set forth in the by-law referred to in subsection 1

shall act as head of the council, and while so acting, shall have and shall exercise all the rights, powers and authority of the head of council.

Consolidated
bank
accounts
R.S.O. 1970,
c. 284

3.—(1) Where sinking fund debentures are issued pursuant to subsections 1 and 2 of section 291 of *The Municipal Act*, there shall be a sinking fund committee, which shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of sinking fund investments.

Sinking
fund
committee

(2) The sinking fund committee shall be composed of the treasurer of the Corporation and two members appointed by the council of the Corporation, and the two appointed members may be paid, out of the current fund of the Corporation, such annual remuneration as the council of the Corporation determines.

Alternate
members

(3) The council of the Corporation may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(4) The treasurer of the Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(5) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands in such amount as the auditor of the Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

Quorum

(6) Two members of the sinking fund committee are a quorum and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking
fund
assets

(7) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(8) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Withdrawals
from
bank
accounts

(9) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Investments

(10) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

Idem

(a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1970,
c. 470

(b) in debentures of the Corporation;

(c) in temporary advances to the Corporation pending the issue and sale of any debentures of the Corporation;

(d) in temporary loans to the Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(11) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Deposit of
securities
with
Treasurer of
Ontario

(12) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 11 only upon the direction in writing of the sinking fund committee.

Release of
securities
by Treasurer
of Ontario

(13) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Sinking
fund
accounts

(14) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

Earnings
credited
to sinking
fund
accounts

(a) multiplying the amount of all such earnings by the amount of the interest for that year under clause *b* of subsection 2 of section 291 of *The Municipal Act*, with respect to the principal raised

R.S.O. 1970,
c. 284

up to and including such year for all sinking fund debentures represented by any sinking fund account; and

- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under clause *b* of subsection 2 of section 291 of *The Municipal Act*, with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

R.S.O. 1970,
c. 284

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking
fund
require-
ments

(15) The treasurer of the Corporation shall prepare and lay before the council of the Corporation in each year, before the annual levies are made, a statement showing the sums that the council of the Corporation will be required, by by-law, to raise for sinking funds in that year.

Offence

(16) If the treasurer of the Corporation contravenes subsection 1 or 15 he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(17) If the council of the Corporation neglects in any year to levy the amount required to be raised for a sinking fund, each member of the council of the Corporation is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account
more than
sufficient
to pay debt

(18) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 14 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Ontario Municipal Board, on the application of the sinking fund committee or the council of the Corporation, may authorize the council of the Corporation to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(19) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Corporation or otherwise than is provided in this section.

(20) When there is a surplus in a sinking fund account, ^{Surplus} the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Corporation,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Corporation,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Ontario Municipal Board.

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

5. This Act may be cited as *The City of London Act, 1975*. ^{Short title}

CHAPTER 105

An Act respecting the Borough of North York*Assented to April 18th, 1975*

WHEREAS The Corporation of the Borough of North York, herein called the Corporation, hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any other general or special Act, the council of the Corporation may, from time to time, use the whole or any part of the accumulated surplus from the operation of its water works system for the general purposes of the Corporation, provided that the council establishes a reserve fund and deposits therein an amount sufficient to retire any debentures issued for the construction, extension or improvement of the said water works system.

Transfer
of
surplus
water
revenue

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Borough of North York Act, 1975*.

Short title

CHAPTER 106

An Act respecting the City of Ottawa*Assented to May 2nd, 1975*

WHEREAS The Corporation of the City of Ottawa, herein ^{Preamble} called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) By-laws may be enacted by the council of the Corporation to provide for the making of loans to the registered owner of land to pay for the cost of the installation of protective devices to reduce the risk of basement or cellar flooding on such terms and conditions as the council may prescribe, and to provide for the administrative costs of the applications for the making of loans. ^{Loans authorized}

(2) The amount of any loan made under a by-law enacted under subsection 1, together with interest at a rate to be determined by the council, and the administrative costs thereof, shall be deemed to be taxes and may be added by the treasurer of the Corporation to the collector's roll and collected in like manner as municipal taxes over a period fixed by council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made. ^{Lien}

(3) A certificate signed by the treasurer of the Corporation setting out the amount loaned to any owner under a by-law enacted under subsection 1, including the rate of interest thereon and the administrative costs thereof, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the Corporation of the amount loaned and interest thereon and administrative costs thereof, a certificate signed by the treasurer of the Corporation showing such ^{Registration}

repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

Debentures

(4) When a by-law under subsection 1 is in force in the municipality, the council of the Corporation may enact by-laws for the issue of debentures to raise money to be so loaned without the assent of the electors.

Approval
of O.M.B.

(5) The by-law enacted under subsection 4, shall not take effect until the approval of the Ontario Municipal Board has been obtained.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Ottawa Act, 1975*.

CHAPTER 107

**An Act respecting
Protestant Children's Village, Ottawa***Assented to May 16th, 1975*

WHEREAS the Protestant Children's Village, Ottawa Preamble
hereby represents that it was incorporated by *An Act to incorporate "The Orphans' Home of the City of Ottawa"*, being chapter 62 of the Statutes of the Province of Canada, 1865, as amended by *An Act to enable the Orphans' Home of the City of Ottawa to borrow money*, being chapter 86 of the Statutes of Ontario, 1888, by *An Act respecting the Orphans' Home of the City of Ottawa*, being chapter 129 of the Statutes of Ontario, 1914, by *The Protestant Children's Village, Ottawa Act, 1931*, being chapter 142 of the Statutes of Ontario, 1931 and by *The Protestant Children's Village, Ottawa Act, 1933*, being chapter 93 of the Statutes of Ontario, 1933; and that it is desirable that the foregoing enactments be revised and consolidated; and whereas Protestant Children's Village, Ottawa, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The corporation known as Protestant Children's Village, Corporation continued
Ottawa, is hereby continued as a body corporate and is hereinafter called the "Village".

2. The objects of the Village are to assist children by Objects
the provision of such services as may contribute to their welfare.

3.—(1) Meetings of the members of the Village may be Meetings of members
called in such manner and held at such times and places as are prescribed by the by-laws of the Village, and, in addition to any manner so prescribed, meetings of the members of the Village may be called by advertisement in a newspaper published in the City of Ottawa by one insertion at least ten days before the day of the meeting.

Election of
members

(2) At any meeting of the members of the Village, the members may elect such persons as they see fit to be members of the Village.

Quorum

(3) The quorum for meetings of the members of the Village shall be six.

By-laws

4. Subject to the provisions of this Act, the members of the Village present at any meeting may make by-laws for the conduct and government of the Village.

Board of
Management

5. The affairs of the Village shall be managed by a Board of Management elected at a meeting of the members of the Village.

Powers to
acquire or
dispose of
property

6.—(1) The Village, for the objects set out in section 2, has power to,

(a) purchase or otherwise acquire;

(b) take or receive by gift, deed, bequest or otherwise;

(c) hold and maintain; and

(d) sell, grant, convey, mortgage, lease, charge or otherwise dispose of,

any real or personal property or interest therein.

Subject to
R.S.O. 1970,
c. 280

(2) The provisions of this Act are subject to *The Mortmain and Charitable Uses Act*, except that the period within which the lands shall be sold is seven years instead of two years, and that it is not necessary to sell any land now or hereafter acquired that is actually and *bona fide* held, used or occupied for the purposes of the Village.

Investment
of funds
R.S.O. 1970,
c. 470

7. The Village may invest any of its funds in securities and investments in which trustees are by *The Trustee Act* permitted to invest.

Bequests and
investments
continued in
name of
Protestant
Children's
Village

8. All bequests heretofore or hereafter made to and in the name of The Protestant Orphans' Home, Ottawa or the name of The Ottawa Protestant Infants' Home, shall be read as if they were made payable to Protestant Children's Village, Ottawa, and any trust funds held or invested in the name of The Protestant Orphans' Home, Ottawa or the name of The Ottawa Protestant Infants' Home are hereby continued in the name of Protestant Children's Village.

9. The following Acts are repealed:

Repeals

1. *An Act to incorporate "The Orphans' Home of the City of Ottawa"*, being chapter 62 of the Statutes of the Province of Canada, 1865.
2. *An Act to enable the Orphans' Home of the City of Ottawa to borrow money*, being chapter 86 of the Statutes of Ontario, 1888.
3. *An Act respecting the Orphans' Home of the City of Ottawa*, being chapter 129 of the Statutes of Ontario, 1914.
4. *The Protestant Children's Village, Ottawa Act, 1931*, being chapter 142 of the Statutes of Ontario, 1931.
5. *The Protestant Children's Village, Ottawa Act, 1933*, being chapter 93 of the Statutes of Ontario, 1933.

10. This Act comes into force on the day it receives Royal Assent. Commence-
ment

11. This Act may be cited as *The Protestant Children's Village, Ottawa Act, 1975*. Short title

CHAPTER 108

An Act respecting Quinn Lumber & Builders' Supply Company, Limited*Assented to April 18th, 1975*

WHEREAS Allan Ross Laing hereby represents that Preamble
 Quinn Lumber & Builders' Supply Company, Limited,
 herein called the Corporation, was incorporated by letters
 patent dated the 24th day of April, 1946; that the Cor-
 poration was dissolved and received a certificate of dissolu-
 tion under section 249 of *The Business Corporations Act*, R.S.O. 1970,
 c. 53
 which dissolution was effective on the 25th day of March, 1974;
 that the said dissolution was not in the best interests of the
 shareholders of the Corporation; and whereas the applicant,
 on behalf of all shareholders of the Corporation, hereby
 applies for special legislation to annul the said certificate of
 dissolution; and whereas it is expedient to grant the applica-
 tion;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. Quinn Lumber & Builders' Supply Company, Limited, Quinn
Lumber &
Builders'
Supply
Company,
Limited
declared
subsisting
corporation
 incorporated by letters patent dated the 24th day of April,
 1946, is hereby declared to be and to have been at all times
 since the date of its incorporation aforesaid a subsisting
 corporation in the same manner and to the same extent as
 if it had never been dissolved.

2. This Act comes into force on the day it receives Royal Commence-
ment
 Assent.

3. This Act may be cited as *The Quinn Lumber & Builders' Supply Company, Limited Act, 1975*. Short title

CHAPTER 109

An Act respecting the City of Sarnia*Assented to May 16th, 1975*

WHEREAS The Corporation of the City of Sarnia hereby Preamble
applies for special legislation in respect of the matters
hereinafter set forth; and whereas it is expedient to grant
the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The approval of the Ontario Municipal Board, by its Approval of
O.M.B.
confirmed
order dated the 10th day of December, 1971, of By-law
6557, set forth as Schedule 1 hereto, of the City of Sarnia
passed the 9th day of August, 1971, and the redevelopment
plan proposed to be adopted thereby, is hereby confirmed.

2. The approval of the Minister of Housing, given the Approval of
Minister of
Housing
confirmed
7th day of February, 1975, for the disposal of land to Fort
Garry Trust Company, in accordance with the terms and
conditions as contained in the agreement between Fort Garry
Trust Company and The Corporation of the City of Sarnia,
authorized by By-law 7081, set forth as Schedule 2 hereto,
of the City of Sarnia passed the 7th day of October, 1974, in
the City's Seaway Redevelopment Area, is hereby confirmed.

3. The lands shown as Parts 1 to 7 on a plan of expro- Lands
vested
in
Corporation
R.S.O. 1970,
c. 154
priation registered in the Land Registry Office for the
Registry Division of Lambton (No. 25) on the 27th day of
November, 1974, as No. 1404, pursuant to section 9 of *The*
Expropriations Act, shall be deemed to have vested in The
Corporation of the City of Sarnia on the 27th day of Novem-
ber, 1974, and were on the said date, immediately after
registration of the said plan, free from all rights, trusts,
interests, limitations, restrictions or covenants whatsoever.

4. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

5. This Act may be cited as *The City of Sarnia Act, 1975*. Short title

SCHEDULE 1

BY-LAW NUMBER 6557

A BY-LAW TO ADOPT A REDEVELOPMENT PLAN

WHEREAS in the opinion of the Corporation of the City of Sarnia it is deemed desirable to adopt a redevelopment Plan.

AND WHEREAS the council of the Corporation of the City of Sarnia has passed By-law Number 6528, entitled "A By-law to designate an area within the City of Sarnia as a redevelopment area".

AND WHEREAS the Minister of Municipal Affairs has approved of the designation of the specific area as a redevelopment area pursuant to subsection 2 of section 20 of *The Planning Act*, R.S.O. 1960, chapter 296;

AND WHEREAS the redevelopment plan conforms with the Official Plan;

NOW THEREFORE the Municipal Council of The Corporation of the City of Sarnia enacts as follows:

1. That the redevelopment plan as contained in Schedule "A" attached hereto and forming part of this By-law be and the same is hereby adopted.

2. That this By-law shall come into force and take effect on the day on which it is approved by the Ontario Municipal Board.

Finally passed this 9th day of August, 1971.

MAYOR

CLERK

NOTE: Attached to the original of By-law No. 6557 is a redevelopment plan, a true copy of which is filed in the office of the Clerk of the Assembly as Sessional Paper No. 15 (1975).

SCHEDULE 2

BY-LAW NUMBER 7081

A BY-LAW TO AUTHORIZE AN AGREEMENT WITH FORT GARRY TRUST
COMPANY

WHEREAS it is deemed expedient that The Corporation of the City of Sarnia enter into an Agreement with Fort Garry Trust Company for the development of part of the lands within the City of Sarnia known as "the Seaway Centre".

NOW THEREFORE the Municipal Council of The Corporation of the City of Sarnia enacts as follows:

1. That The Corporation of the City of Sarnia is authorized to enter into an Agreement with Fort Garry Trust Company in the form of the Agreement a copy of which is attached to this By-law.

2. That the Mayor and Clerk are authorized to execute such Agreement and to affix to it the Corporate Seal of The Corporation of the City of Sarnia.

3. This By-law shall come into force and effect upon being finally passed.

Finally passed this 7th day of October, 1974.

MAYOR

CLERK

NOTE: Attached to the original of By-law No. 7081 is an Agreement between The Corporation of the City of Sarnia and Fort Garry Trust Company, a true copy of which is filed in the office of the Clerk of the Assembly as Sessional Paper No. 15 (1975).

CHAPTER 110

**An Act respecting the
City of Sault Ste. Marie***Assented to April 18th, 1975*

WHEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where the council of the Corporation has passed a by-law with the approval of the Ontario Municipal Board under paragraph 72 of section 352 of *The Municipal Act*, which provides that the capital cost or any part thereof, the annual rental paid under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area, the council, without the approval of the Ontario Municipal Board, may amend the by-law from time to time to provide that the parking space requirements for each specified parcel of land shall be calculated in accordance with the parking space requirements of the restricted area by-laws of the municipal corporation in force from time to time under the authority of section 35 of *The Planning Act*.

Parking levy
calculationR.S.O. 1970,
c. 284R.S.O. 1970,
c. 349

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The City of Sault Ste. Marie Act, 1975*.

Short title

CHAPTER 111

**An Act respecting the
Borough of Scarborough***Assented to April 18th, 1975*

WHEREAS The Corporation of the Borough of Scar- Preamble
borough, herein called the Corporation, hereby applies
for special legislation in respect of the matters hereinafter
set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

- 1.**—(1) The council of the Corporation may pass by-laws, Council
may pass
by-laws
- (a) requiring lifeguards to be on duty at apartment
building swimming pools in the Borough of Scar-
borough; and
 - (b) regulating lifeguards required pursuant to a by-law
passed under clause *a* and without limiting the
generality thereof regulating the hours of duty and
qualifications of such lifeguards.

(2) A by-law passed under the authority of this section Enforcement
shall be enforceable in the same manner as a by-law passed
under the authority of *The Municipal Act* and any such R.S.O. 1970,
c. 284
by-law may impose such penalties of not more than \$1,000,
exclusive of costs, upon every person who contravenes any
provision of the by-law.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Borough of Scarborough* Short title
Act, 1975.

CHAPTER 112

An Act respecting the Town of Seaforth*Assented to April 18th, 1975*

WHEREAS The Corporation of the Town of Seaforth, ^{Preamble}
herein called the Corporation, hereby applies for special
legislation in respect of the matter hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The council of the Corporation is hereby authorized ^{By-law}
to pass a by-law, without obtaining the approval of the ^{authorized}
Ontario Municipal Board, authorizing the borrowing of a
sum not exceeding \$79,000 upon debentures of the Cor-
poration, payable in not more than ten years, for the
purpose of paying the cost of repairs to the Seaforth
Memorial Community Centre.

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal* ^{Application}
Board Act apply in respect of a by-law passed under ^{of R.S.O. 1970,}
section 1 and to any debentures to be issued thereunder. ^{c. 323, ss. 55-58}

3. For the purpose of every Act, the Ontario Municipal ^{Order of}
Board shall be deemed to have issued an order under ^{O.M.B.}
section 64 of *The Ontario Municipal Board Act* authorizing ^{deemed}
the repairs mentioned in section 1 and authorizing The ^{issued}
Corporation of the Town of Seaforth to issue debentures
under section 1.

4. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

5. This Act may be cited as *The Town of Seaforth Act*, ^{Short title}
1975.

CHAPTER 113

An Act respecting Sheridan Place*Assented to May 2nd, 1975*

WHEREAS the Trustees of the Widows' Home of Brantford hereby represent that the Trustees own and operate a home for destitute women called "Widows' Home" pursuant to the provisions of an Indenture dated the 6th day of May, 1873, said Indenture being registered in the Registry Office for the Registry Division of Brant on the 8th day of May, 1873, as Instrument Number 6798; and whereas the said Trustees represent that it is desirable to provide for the uninterrupted provision of the service to the public by vesting the assets including the lands subject to the liabilities of the said Trustees in a non-profit, non-share corporation known as Sheridan Place; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Sheridan Place" means Sheridan Place, a corporation without share capital incorporated under Part III of *The Corporations Act* by letters patent dated the 20th day of February, 1975; R.S.O. 1970,
c. 89
- (b) "Trustees" means the Trustees established by an Indenture dated the 6th day of May, 1873, said Indenture being registered in the Registry Office for the Registry Division of Brant on the 8th day of May, 1873, as Instrument Number 6798;
- (c) "Widows' Home" means and includes the residential home for women owned and operated by the Trustees and all other building ancillary thereto or used in connection therewith.

Vesting
of
assets

2.—(1) All assets of every nature and kind both real and personal and tangible and intangible and employed in respect of the operation of Widows' Home including, but without limiting the generality thereof, the real property described in the Schedule hereto together with all buildings, improvements, fixtures, together with any chattel which may be considered a fixture, and any other appurtenances presently situate in or upon the lands described in the Schedule, the benefit of all provincial grants and loans, and all furniture, equipment, supplies, accounts receivable, cash on hand, endowment funds, rights, privileges and benefits, all of which have heretofore been or are now vested in the Trustees shall on the 1st day of January, 1976, belong to and be vested in Sheridan Place.

Transfer
of
title
R.S.O. 1970,
cc. 409, 234,
45

(2) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act*, or any other Act affecting the title to property, it shall be sufficient to cite this Act as effecting the conveyance, transfer or transmission of title from the Trustees to and the vesting in Sheridan Place of real or personal property or of an interest in real or personal property.

Liability
of
Sheridan
Place

(3) Sheridan Place shall,

- (a) assume and be liable for the payment of all liabilities existing on the 31st day of December, 1975, in respect of the general management, operation and maintenance of Widows' Home; and
- (b) be bound by the terms of and succeed to the benefit of all contracts, agreements, leases, and all other engagements existing on the 31st day of December, 1975, made by the Trustees in respect of the general management, operation and maintenance of Widows' Home.

Management
and
control

3. The general management, operation, equipment and control of Widows' Home shall on the 1st day of January, 1976, belong to, be vested in and shall be exercised by Sheridan Place.

Charitable
gifts

4. All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person, body politic or corporation by deed or will, to be made, given or conveyed, or intended to be made, given or conveyed to the Trustees or to Widows' Home shall, in so far as the same shall not have vested in possession or been carried into effect at the date of the coming into force of this Act, in the

absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made to Sheridan Place and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will shall pay over or transfer all such property to Sheridan Place as and when the same became or may become payable, and the receipt of Sheridan Place shall be a sufficient discharge therefor.

5. The powers and duties of the Trustees shall cease on the 31st day of December, 1975, and the terms of office of each Trustee shall terminate on such date. When Trustees powers terminate

6. On and after the 1st day of January, 1976, all claims against and demands arising from or relating to the management, operation or maintenance of Widows' Home or from the exercise of any of the powers of the Trustees shall be continued against or made upon and brought against Sheridan Place and not upon or against the Trustees. Claims

7.—(1) The provisions of this Act are subject to *The Mortmain and Charitable Uses Act*, except that the period within which the lands shall be sold is seven years instead of two years, and that it is not necessary to sell any land now or hereafter acquired that is actually and *bona fide* held, used or occupied for the purposes of Sheridan Place. Subject to R.S.O. 1970, c. 280

(2) Sheridan Place may invest any of its funds in securities and investments in which trustees are by *The Trustee Act* permitted to invest. Investment of funds R.S.O. 1970, c. 470

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. This Act may be cited as *The Sheridan Place Act, 1975*. Short title

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land situate, lying and being within the Town of Brantford aforesaid being composed of the south major parts of Lots Numbers one and two on the north side of Sheridan Street in said Town more particularly described as follows, namely:

COMMENCING at the southwest corner of said Lot Number one;

THENCE northeasterly along the East side of West Street to within thirty-eight feet six inches of the centre line of the Block;

THENCE at right angles from West Street thirty feet;

THENCE in an Easterly direction along the Southern boundary of a parcel of the said lots sold to Francis Cox forty-six feet more or less to the division line between Lots Numbers Two and Three;

THENCE southerly along the same division line to the north side of Sheridan Street;

THENCE along the north side of Sheridan Street one hundred and thirty-two feet more or less to the place of beginning.

CHAPTER 114

An Act respecting the City of St. Catharines

Assented to May 2nd, 1975

WHEREAS The Corporation of the City of St. Catharines hereby Preamble
applies for special legislation to permit The St. Catharines
Transit Commission to obtain charter privileges outside the Province
of Ontario; and whereas it is deemed expedient to grant the applica-
tion;

Therefore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause *a* of section 3 of *The City of St. Catharines Act, 1961-1962*, 1961-1962,
c. 169, s. 3 (a),
re-enacted
being chapter 169, is repealed and the following substituted therefor:

(a) in so far as the legislative authority of the Legis-
lature extends to confer such power, to transport
and convey passengers throughout, and to and from,
and outside Ontario, whether by chartered trip or
otherwise.
- 2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3. This Act may be cited as *The City of St. Catharines Act, 1975*. Short title

CHAPTER 115

**An Act to incorporate
St. Margaret's School (Elora)**

Assented to May 16th, 1975

WHEREAS Betty Louise Schneider, Peter Alan Gifford, ^{Preamble} The Rev. Robert E. Hulse, Philip A. Hardy, MacNelles P. Hardy, James F. Chalmers, Howard G. Schneider, Lawrence H. Marsland, James D. Murray, George C. Spaetzel, Shirley C. Macrae, M. Jeanne Wallace, J. Annette Smith and Lorna Jean Guthrie hereby represent that it is desirable to incorporate a Girls' School with the purpose of providing an education on the elementary and secondary level, based upon the teaching and environment of the Anglican Church, and in compliance with the academic and scholastic requirements of the Ministry of Education of Ontario, and that the purposes for which a school is to be formed will be promoted by an Act of Incorporation; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Betty Louise Schneider, Peter Alan Gifford, The Rev. ^{Incorporation} Robert E. Hulse, Philip A. Hardy, MacNelles P. Hardy, James F. Chalmers, Howard G. Schneider, Lawrence H. Marsland, James D. Murray, George C. Spaetzel, Shirley C. Macrae, M. Jeanne Wallace, J. Annette Smith, Lorna Jean Guthrie and such other persons as may be elected or appointed as members of the Board of Governors of the School, and their successors, are hereby constituted a body politic and corporate with perpetual succession and a common seal under the name of "The Corporation of St. Margaret's School (Elora)", herein called the School.

2. The Anglican Bishop of Niagara shall be the Visitor ^{Visitor} of the School.

3. There shall be a Board of Governors of the School, ^{Board of Governors} that shall consist of the persons named in section 1 who

shall hold office until their successors are elected or appointed, and such other persons as may be elected or appointed in such manner and for such term as may be provided in the by-laws of the Board.

Management
of the
School

4. The Board of Governors has the control, management and government of the School and has power to make by-laws, rules and regulations not contrary to law or the provisions of this Act,

- (a) for the working and management of the School;
- (b) determining the number of members of the Board that shall constitute a quorum;
- (c) respecting the election or appointment of members of the Board; and
- (d) regulating all matters pertaining to meetings of the Board.

Borrowing
powers

5. The School may,

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations including chartered banks, as may be determined by the Board of Governors;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) mortgage, hypothecate, pledge or charge any part or all of the property of the School to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board of Governors may determine, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board of Governors may determine, and mortgage, charge, hypothecate or pledge all or any part of the property of the School to secure any such bonds, debentures and obligations.

Property

R.S.O. 1970,
c. 225

6. The School has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by

gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to will, grant, convey, mortgage, hypothecate, pledge, charge, borrow or otherwise dispose of the same or any part thereof from time to time as the occasion may require, and to acquire other estate or property, in addition thereto or in place thereof, without licence in mortmain and without limitation as to the period of holding.

7. The funds of the School not immediately required for its purposes and the proceeds of all property that come into the School, subject to any trust affecting the same, may be invested and reinvested in investments authorized by the law for the investment of trust funds and all property and revenue of the School shall be applied for the attainment of the objects for which the School is constituted and to the payment of expenses, incurred for objects legitimately connected with or depending on the purposes aforesaid. Investment powers

8. All property, real or personal, belonging to or hereafter belonging to the School, and all property heretofore or hereafter granted, conveyed, devised or bequeathed to any persons or persons in trust for or for the benefit of the School or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the School. Property vested in school

9. Nothing herein contained has the effect or shall be construed to have the effect of rendering all or any of the members or officers of the School, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the School or for or on account or in respect of any matter or thing whatsoever relating to the School. Liability of members

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. This Act may be cited as *The St. Margaret's School (Elora) Act, 1975*. Short title

CHAPTER 116

An Act respecting the City of Toronto*Assented to May 16th, 1975*

WHEREAS The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Municipal Act*, an employee on the 18th day of September, 1974, of the Corporation or of the Toronto Public Library Board, other than a firefighter or a member of the Ontario Municipal Employees Retirement System is entitled to elect a transfer of a sum of money to the pension plan established by the Corporation appropriate to such employee from the pension plan of The Municipality of Metropolitan Toronto, equal to the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods, of the pension benefits and any other benefits under the pension plan of The Municipality of Metropolitan Toronto to which the employee is entitled whether or not such an employee is entitled to a refund from that pension plan of his contributions plus any interest thereon, and on the transfer of such a sum of money, the employee shall receive full service credit under the pension plan of the Corporation if the employee contributes thereto any additional sum of money which the employee would have contributed had the employee been a member of the pension plan of the Corporation for all service, provided however, if the employee does not contribute such additional sum of money as required by this section, the employee's entitlement under the pension plan of the Corporation shall be reduced on the basis of generally accepted actuarial methods.

Election by employee to transfer to Corporation's pension plan
R.S.O. 1970,
c. 284
2. The Corporation is hereby authorized to assume and pay all costs and legal expenses as may be incurred from time to time for the purpose of carrying out the provisions of this Act.

Payment of costs and legal expenses authorized

time by Daniel Heap, David Parkinson and Anne Johnston, as a result of proceedings brought by the Canada Metal Company Limited and Toronto Refiners and Smelters Limited.

Granting
permission
for piping
heat under
highways

3. Notwithstanding any general or special Act, the Corporation may grant under such terms and conditions and for such consideration as the council may deem expedient, permission to any person generating heat for his own use in any building to use or occupy any of the highways of the Corporation for the purpose of supplying heat by piping under such highway to a building not in the ownership of the person generating the heat.

Agreements
respecting the
restoration
and
preservation
of
buildings

4. The Corporation may enter into agreements with any person or governmental authority on such terms and conditions as may be agreed upon for the making of grants to the owner of any building situate on Yonge Street in the City of Toronto to pay for the whole or any part of the cost of a program designed to restore or preserve any such building and such agreements may provide for the participation of the Corporation in such program in any manner prescribed by the council.

1936, c. 84,
s. 6 (2) (f),
re-enacted

- 5.—(1) Clause *f* of subsection 2 of section 6 of *The City of Toronto Act, 1936*, being chapter 84, as enacted by the Statutes of Ontario, 1973, chapter 213, section 10, is repealed and the following substituted therefor:

(*f*) for directing and ordering any occupant of a dwelling referred to in an order served in accordance with this section to pay his rent thereafter to the inspector to be deposited with the City Treasurer in trust until the order as confirmed or modified is complied with and for providing that the said rent so held as aforesaid shall be applied by the corporation to reduce any amount expended or to be expended by the corporation pursuant to any power conferred by this section, and for providing that such rent or any portion thereof remaining, less an administration fee not to exceed 10 per cent, shall be paid to the person entitled to receive it in the event the order is complied with.

1936, c. 84,
s. 6,
amended

- (2) The said section 6, as amended by the Statutes of Ontario, 1941, chapter 81, section 3, 1955, chapter 117, section 4, 1956, chapter 125, section 4, 1960, chapter 170, section 3, 1967, chapter 131, section 6, 1970, chapter 168, section 1, 1971, chapter 130, sections 3 and 4, 1973, chapter 213, section 10 and 1974, chapter 161, sections 1 and 5, is further amended by adding thereto the following subsections:

(24a) The notice of appeal referred to in subsection 24 shall set forth the grounds of appeal and no other grounds ^{Grounds of appeal} may be argued except by leave of the committee.

(42) Notwithstanding any other provisions of this section, ^{Order} if upon inspection the inspector is satisfied that in some respect any dwelling violates the standards in a manner that constitutes an urgent hazard to the health or safety of any person, the inspector may make an order requiring the violation to be corrected immediately and forthwith after making an order under this subsection and before the order is served, confirmed or modified in accordance with this section, the corporation, through the inspector, may forthwith take or cause to be taken whatever measures the inspector deems necessary to correct the violation, and for those purposes in addition to all its other remedies,

- (a) the corporation and anyone acting on its behalf shall have the right with its servants and agents from time to time to enter in and upon the dwelling and adjoining property; and
- (b) the corporation or anyone acting on its behalf shall not be liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the corporation under the provisions of this subsection, including anything done without notice to such persons.

(43) Immediately after the violation is corrected, ^{Service} as referred to in subsection 42, the inspector shall serve or cause to be served a copy of the order in accordance with subsection 20.

(44) The order made under subsection 42 shall,

^{Contents of order}

- (a) contain a description of the dwelling sufficient to identify and locate it;
- (b) set out the particulars of the violation and reasons why such violation constitutes an urgent hazard to the health and safety of any person;
- (c) have appended thereto a statement from the inspector setting out the measures taken by the corporation and the amount expended by the corporation in so doing; and
- (d) contain notice of the provisions of subsections 45, 46 and 47.

Appeal

(45) Notwithstanding the provisions of subsection 25, after a copy of the order has been served in accordance with subsection 20, the inspector shall apply to the committee for confirmation of the order, and after affording a reasonable opportunity to every person on whom an order has been served to make representations as he sees fit, and after inspecting the dwelling in the presence of any such person if so requested by him in writing, the committee has the powers and functions of the inspector and shall either confirm the order or refuse to confirm the order.

Appeal to
county court
judge

(46) The corporation or the owner of the dwelling affected by a decision of the housing standards appeal committee under subsection 45, may appeal the decision to a judge of the county court of the Judicial District of York by so notifying the clerk of the corporation in writing and by applying for an appointment within fifteen days after notice of the decision has been given, and,

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed at least one month before the day appointed for the hearing of the appeal; and
- (c) the judge on such appeal has the same powers and functions as the housing standards appeal committee and shall either confirm or refuse to confirm the order.

Expenditure

(47) Where,

Lien for
if order
confirmed

- (a) the committee confirms an order made under subsection 42, and the decision of the committee is not appealed in accordance with the provisions of subsection 46, or where on appeal the judge confirms the order, the corporation in addition to all other remedies shall have a lien for any amount expended by or on behalf of the corporation under the authority of subsection 42 together with interest thereon at the rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which such amount was expended, and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be deemed to be taxes and may be added to

the collector's roll to be collected in one year or to the proper collector's rolls to be collected by instalments over a period of not more than five years, and the amount or each instalment may be collected in the same manner as real property taxes;

- (b) the committee refuses to confirm an order made under subsection 42 and no appeal is made or where the judge on appeal refuses to confirm the order, the corporation shall bear the amount expended by or on behalf of it under the authority of subsection 42. Corporation to bear if order not confirmed

6. Section 11 of *The City of Toronto Act, 1971*, being chapter 130, as amended by the Statutes of Ontario, 1974, chapter 161, section 6, is further amended by adding thereto the following subsection: 1971, c. 130, s. 11, amended

(17a) The notice of appeal referred to in subsection 17 shall set forth the grounds of appeal and no other grounds may be argued except by leave of the committee. Grounds of appeal

7.—(1) In this section,

Interpretation

- (a) "Corporation" means The Corporation of the City of Toronto;
- (b) "dwelling" includes any building, part of a building, tent, trailer or other covering or structure, the whole or any portion of which has been used, is used or is capable of being used for the purposes of human habitation with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein and every dwelling unit within the dwelling;
- (c) "dwelling unit" means one or more rooms located within a dwelling and used or intended to be used for human habitation by one or more persons;
- (d) "Licensing Commissioner" means the person from time to time designated as such by the council of the Corporation.

(2) The council of the Corporation may pass by-laws,

By-laws

- (a) designating as a rooming house any class or classes of dwelling, the whole or any portion of which is used, or is intended to be used, for gain, for the purposes of human habitation; Designating rooming house

Licensing,
regulating
and
governing
rooming
houses

- (b) providing for the licensing, regulating and governing of any class or classes of rooming houses or any class or classes of owners or operators of rooming houses within the municipality or any defined area or areas thereof and for the issuing, suspension, revocation, renewal and transfer of licences on such terms and conditions and for such period of time as the council may from time to time prescribe;

Prohibiting

- (c) for prohibiting any person from using, permitting to be used, renting or offering to rent any rooming house in violation of such by-law or in contravention of any other by-law of the Corporation;

Idem

- (d) for prohibiting the use of any rooming house for or in connection with which a licence was issued, except for the purposes for which the licence was issued;

Licence fee

- (e) for fixing the licence fee for any class or classes of rooming houses or owners or operators of rooming houses in accordance with a scale for each class or number of roomers permitted in the rooming house or the number of rooms available for occupancy therein;

Licensing
Com-
missioner

- (f) for authorizing the Licensing Commissioner to exercise any of the powers of council with respect to the licensing, suspension, revocation, renewal or transfer of a licence; and

Prohibiting

- (g) for prohibiting the granting of a licence where the past conduct of the applicant, or where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the rooming house will not be operated in accordance with law and with honesty and integrity.

Owner and
operator

- (3) A by-law under this section may define "owner" or "operator" in such manner as the council may from time to time determine.

Conditions
imposed

- (4) Prior to the issuing, suspension, revocation, renewal or transfer of a licence, the council or the Licensing Commissioner, as the case may be, may impose such conditions upon the applicant for or the holder of a license, as the circumstances require.

Penalty

- (5) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under the

authority of *The Municipal Act* and any such by-law<sup>R.S.O. 1970,
c. 284</sup> may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provision of any by-law pursuant to this section.

8.

This Act comes into force on the day it receives Royal Assent.

Commence-
ment
9.

This Act may be cited as *The City of Toronto Act, 1975*.

Short title

CHAPTER 117

An Act respecting the City of Toronto*Assented to May 16th, 1975*

WHEREAS The Corporation of the City of Toronto, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, or any No obligation to make payments to Art Gallery of Ontario
agreements validated by any Act or entered into under the
authority of any Act, the Corporation shall not be under
any obligation to make any payment towards the maintenance
and upkeep of the Art Gallery of Ontario.

2. The council of the Corporation may by by-law provide Snow clearing
at its expense for the clearing away and removing of snow
and ice from those portions of walkways between the public
sidewalks on highways and the lowest step of the principal
place of entrance of buildings owned or occupied by any
class or classes of persons.

3.—(1) The council of the Corporation may by by-law By-laws respecting drain connections
require the owners of buildings connected to the sewage
works of the Corporation by means of common drain con-
nections to repair such connections where they are for any
reason blocked.

(2) This section does not apply where all of the buildings Section not applicable
connected to the sewage works of the Corporation by means
of a common drain connection are in common ownership.

(3) If owners of buildings affected by a by-law passed Notice
under this section fail to repair as required by the by-law
within ten days after the Corporation has sent notice to
them by registered mail to their respective last known
addresses requiring the repair to be made, the Corporation

has the right to make the repair at the expense of the owners, and for this purpose in addition to all its other remedies,

- (a) the Corporation and anyone acting on its behalf shall have the right with its servants and agents from time to time to enter in and upon the property of all or any of the owners; and
- (b) the Corporation or anyone acting on its behalf shall not be liable to compensate the owners, occupants or any other person by reason of anything done in good faith by or on behalf of the Corporation under the provisions of this section.

Right of entry (4) Where the Corporation or anyone acting on its behalf seeking to exercise a right of entry under subsection 3 is prevented from doing so, and where a provincial judge is satisfied, upon an *ex parte* application, that there is reasonable ground for believing it is necessary to enter the property for the carrying out of the provisions of this section, the provincial judge may issue an order authorizing such person to enter thereon and thereupon and to make the repair, but every such entry and all such repairs shall be carried out between sunrise and sunset unless the provincial judge authorizes that person, by order, to so act at another time.

Apportionment of costs (5) A by-law under this section may provide for a basis of apportionment among the owners affected by the by-law of the cost of repair of the common drain connections made by the Corporation.

Corporation has right (6) The notices sent under subsection 3 shall advise the owners that if they fail to make the repair as required, the Corporation has the right to make it at their expense, and for the purpose may enter in and upon the property of any or all of the owners.

Loans (7) A by-law passed under this section may provide for the making of loans by the Corporation to an owner or owners to whom a notice has been sent under subsection 3 to pay for the whole or any proportionate amount of the cost of making the repair required by the by-law, which loans may be made on such terms and conditions as the council of the Corporation may prescribe.

Lien (8) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council of the Corporation, may be added by the clerk of the Corporation to the collector's

roll and collected in like manner as municipal real property taxes over a period fixed by council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan is made.

(9) A certificate signed by the clerk of the Corporation setting out the amount loaned to any owner assessed under a by-law passed under this section, including the rate of interest thereon together with a description of the land in respect of which the loan has been made sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the Corporation of the amount loaned and interest thereon, a certificate signed by the clerk of the Corporation showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. Certificate

4.—(1) In this section,

Interpre-
tation

- (a) “housing accommodation” means housing accommodation as defined in *The Ontario Human Rights Code*; R.S.O. 1970,
c. 318
- (b) “policy statement” means a statement establishing criteria for the sharing of housing accommodation by adults and children.

(2) The council of the Corporation may by by-law adopt a policy statement. Policy
statement

(3) Where a policy statement has been adopted under subsection 2, the council of the Corporation may pass by-laws prohibiting any person, directly or indirectly, alone or with another, by himself or by the interposition of another, from discriminating against any person with respect to any term or condition of the occupancy of housing accommodation because such person has children who would be sharing the housing accommodation with him where occupancy of such housing accommodation by adults and children is deemed appropriate thereto by the policy statement referred to in subsection 2. By-laws
prohibiting
discrimi-
nation

(4) A by-law passed under this section shall be enforceable in the same manner as a by-law under the authority of *The Municipal Act* and any such by-law may impose penalties of not more than \$1,000, exclusive of costs, upon every person who contravenes any provisions of any by-law passed pursuant to this section. Penalty

R.S.O. 1970,
c. 284

Not deemed
policy
statement
under
R.S.O. 1970,
c. 213

(5) A policy statement referred to in this section shall be deemed not to be a policy statement within the meaning of section 16 of *The Housing Development Act*.

Not to
affect
1936, c. 84, s. 6

(6) Nothing herein contained shall affect the powers of the Corporation to enact by-laws relating to standards of maintenance and occupancy under *The City of Toronto Act, 1936*.

Interpre-
tation

5.—(1) In this section, “assisted housing program” means a program designed to provide housing accommodation, by sale or lease, at a price or rental below the current market price or rental in the area in which the accommodation is located.

By-laws
respecting
density of
development
R.S.O. 1970,
c. 349

(2) In any by-law passed under section 35 of *The Planning Act*, the council of the Corporation may prescribe one or more residential densities of development applicable to any land in respect of which the owner agrees with the Corporation, as set out in subsection 3, to provide for the purpose of any assisted housing program, such proportion as the by-law may specify of the units to be built on such land and another residential density of development applicable to land in respect of which the owner does not so agree.

Requiring
agreements

(3) The Corporation may require an owner to enter into one or more agreements respecting the provision of units referred to in subsection 2.

Registration
of
agreements

R.S.O. 1970,
cc. 409, 234

(4) Any agreement entered into under subsection 3 may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Interpre-
tation

6.—(1) In this section, “housing development” means any project or undertaking designed to provide housing accommodation in the municipality and includes, without limiting the generality of the foregoing, any public space or recreational, institutional, commercial or industrial facilities or buildings as, in the opinion of the council of the Corporation, may be reasonably necessary.

Corporation's
powers in
respect to
housing
development
R.S.O. 1970,
c. 213

(2) Notwithstanding any general or special Act, for the purposes of a housing development, where the council of the Corporation has adopted a policy statement approved by the Minister of Housing under section 16 of *The Housing Development Act* containing provisions relating to the provi-

sion of housing developments as contemplated by this section, and where the Minister of Housing advises the Corporation he is satisfied that the policy statement so adopted conforms with the policy statement related to housing adopted by the council of The Municipality of Metropolitan Toronto under section 198*a* of *The Municipality of Metropolitan Toronto Act*, the Corporation may,

R.S.O. 1970,
c. 295

- (a) acquire land with or without buildings;
- (b) hold any land with or without buildings heretofore or hereafter acquired;
- (c) survey, clear, grade, subdivide, service or otherwise prepare such land;
- (d) rehabilitate, convert, repair or otherwise improve any building on such land;
- (e) construct any building on such land;
- (f) manage, maintain or operate any such building;
- (g) sell, lease or otherwise dispose of for nominal consideration or otherwise any such land or building;
- (h) enter into partnership or into any arrangement for the sharing of profits, union of interests, joint adventure, reciprocal concession or other similar arrangement with any person or body corporate or governmental authority having the power to undertake such housing development, upon such terms and conditions as may be agreed.

(3) Notwithstanding clauses *a* and *b* of subsection 2, no land heretofore or hereafter acquired pursuant to the exercise of the powers of expropriation conferred by any Act may be used for the purposes of a housing development under this section in respect of which the Corporation has entered into a partnership or any other arrangement authorized by clause *h* of the said subsection.

Lands
acquired, etc.

7.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

8. This Act may be cited as *The City of Toronto Act, 1975* (No. 2).

Short title

CHAPTER 118

An Act respecting the City of Toronto*Assented to July 18th, 1975*

WHEREAS The Corporation of the City of Toronto, herein Preamble
called the Corporation, hereby applies for special legislation
in respect of the matters hereinafter set forth; and whereas it is
expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

- 1.**—(1) Subsection 3 of section 2 of *The City of Toronto Act*, 1968-69, c. 168,
s. 2 (3), being chapter 168, is amended by amended
striking out “for that year and the two following years”
in the fourth line and inserting in lieu thereof “for the
period for which the council is expressed to hold office”.
- (2) Subsection 4 of the said section 2 is repealed. 1968-69, c. 168,
s. 2 (4),
repealed
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3.** This Act may be cited as *The City of Toronto Act, 1975 (No. 3)*. Short title

CHAPTER 119

An Act respecting the City of Windsor*Assented to May 16th, 1975*

WHEREAS The Corporation of the City of Windsor, Preamble
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth;
 and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. In this Act, “employee” and “retired employee” Interpre-
tation
 means employee and retired employee as defined in para-
 graph 64 of section 352 of *The Municipal Act*. R.S.O. 1970,
c. 284

2.—(1) Notwithstanding paragraph 66 of section 352 of Insurance
The Municipal Act, the council of the Corporation may
 pass by-laws for paying the whole or part of the cost of
 group life insurance for employees and retired employees,
 and the wives and children of employees of the Corporation.

(2) Notwithstanding the provisions of any general or Aid to
widows and
children
in certain
cases
 special Act, the council of the Corporation may pass by-laws
 for granting pecuniary aid or other assistance to the widows
 and children of employees who are killed by accident, or die
 from injuries received in the discharge of their duties.

3.—(1) This Act, except subsection 1 of section 2, comes Commence-
ment
 into force on the day it receives Royal Assent.

(2) Subsection 1 of section 2 shall be deemed to have Idem
 come into force on the 1st day of January, 1974.

4. This Act may be cited as *The City of Windsor Act, 1975*. Short title

CHAPTER 120

An Act respecting the Borough of York*Assented to April 18th, 1975*

WHEREAS The Corporation of the Borough of York, Preamble
hereinafter called the Corporation, hereby represents that it is desirable to provide for leasing or licensing the use, for parking of motor vehicles, of untravelled portions of highways within the Borough of York in residential areas of the municipality; to provide sick leave credit gratuities for employees of the Corporation; to provide for the regulation of the destruction of trees or other natural vegetation on any land within the Borough of York designated as ravines by the Official Plan, and the excavating or other altering of contours of any such land, and to provide that the Corporation may pay in whole or in part the cost of clearing any blockage of a private drain caused by a tree on the highway; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any other general By-laws or special Act, the council of the Corporation may pass by-laws,

- (a) for leasing or licensing the use, for parking of motor vehicles, of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, within those portions of the municipality in which land may be used for residential purposes, to the owners or occupants of such adjoining property and upon such terms and conditions as may be imposed by council, and for regulating and controlling such use; Licensing portions of highways for parking of motor vehicles
- (b) for providing sick leave credit gratuities for employees as defined in paragraph 64 of section 352 of Providing sick leave credit gratuities

R.S.O. 1970,
c. 284

The Municipal Act, provided that, on the termination of employment, no employee is entitled to more than an amount equal to his salary, wages or other remuneration for the number of days standing to his credit, provided that where the number of such days standing to his credit results in credit gratuities in excess of six months earnings such excess credit gratuities shall be calculated at two-thirds of the rate received by the employee immediately prior to termination of employment, and for providing upon such terms and conditions as may be prescribed for placing to the credit of an employee formerly employed by another municipality or local board which had established a sick leave credit plan under any general or special Act the whole or any part of the sick leave credits standing to the credit of the employee in the plan of the municipality or local board formerly employing the employee;

Regulating
the
destruction
of trees, etc.

R.S.O. 1970,
c. 493

- (c) subject to *The Weed Control Act*, for regulating the destruction of trees or other natural vegetation, or any class or classes thereof, on any land within any defined area or areas of the municipality where such land is hereafter designated as ravines by the Official Plan as amended from time to time and prohibiting the destruction of such trees or other natural vegetation and the excavating or other altering of contours of any such land without the consent of the Corporation;

Paying cost
of clearing
blockage of
private
drains

- (d) for the payment by the Corporation in whole or in part the cost of clearing any blockage of a private drain, caused by a tree on the highway, subject to such conditions as the council of the Corporation may prescribe from time to time, any liability of the Corporation in respect thereof notwithstanding.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Borough of York Act, 1975*.

INDEX

Fifth Session, Twenty-Ninth Legislature 24 Elizabeth II, 1975

A

ADMINISTRATION OF COURTS PROJECT	PAGE
Advisory Committee	
chairman of	294
duties of	294
establishment of	293, 294
purpose of Act	293
regulations	294, 295
repeal of Act	295
 AMBULANCE	
arbitration, determination of compensation by	682
Director, defined	681
entry, powers re of inspectors	682
licence, when deemed cancelled	681, 682
Minister, power to designate council	
sole authority to operate ambulance service	681

B

BRANTFORD (CITY)	
Brantford General Hospital, Board of Governors,	
composition of	701
continuation in office of member of	701
Navy League of Canada, purchase of land from validated	703
 BRUCE (TOWNSHIP)	
waterworks system, debentures re authorized	705

C

CHILD WELFARE	
adoption orders, section amended	15, 16
affiliation order, payment of money under	13
agreement, non-ward	6
not invalid by reason of age	7
termination of	7
appeal, notice of	12, 14
on law or fact or both	13, 14
time for hearing of	13, 14
to county court judge	12, 13
Court of Appeal	13, 14
application, s. 24 (1)	10
s. 72 (1)	16
s. 83	17
s. 4 (2)	2
1971, c. 47	4
approved estimate, defined	1
extension of	7
care, voluntary	6, 8

CHILD WELFARE— <i>Continued</i>	PAGE
child, detention of	7
in need of protection, definition reworded	3, 4
how brought before a judge	4
warrant to search for, amended	4
return of	7
welfare review committee	2, 3
committal, period of	9
Crown wardship, application to terminate	11
Director, defined	1
statement of	16, 17
evidence, new	13, 14
expenditures, estimate of	1
goods and services, provision by Society or Director	5
guardian <i>ad litem</i>	15
hearing	8
homemaker, defined	4
remaining on premises	5
Indians, costs of care and services, repealed	3
investigation, amended	1
judge, appeal to	12, 13
jurisdiction of	10
jurisdiction, of judge	10
society	10
Minister, approval by	2
notice by	2
municipality, payments by	3
proportion referable to each	2
notice, filing of	16
not required	11
of appeal	12, 14
to parent	8, 9
Ontario, payments by	3
order, application for termination of	11
extension of period of	6
further	10
of adoption	15, 16
judge	6
termination of	10
to report to officer, section repealed	13
parent, defined	6
notice to	6
payment by	9
payments, by municipality	3
Ontario	3
parent	9
manner of	3
personal liability, protection from	5
reciprocal agreements, repealed	3
record	12, 14
references	17
, repealed	18
regulations, retroactive	19
section amended	18
report	17
right of entry	4
society, jurisdiction of	10
COBOURG (TOWN)	
Boards and Commission, assets vested in town	709
dissolved	709

COBOURG (TOWN)—*Continued*

PAGE

Parks and Recreation Board,

composition of	708
established	708
estimates of	709
liability of members	709
moneys, application of	709
powers	709, 710
remuneration	710
term of office on	708
vacancies on	708

COLLEGES COLLECTIVE BARGAINING

ACT

application	553
-----------------------	-----

AGREEMENT

alteration of terms and provisions	570
binding effect	569
conflict with legislation	569
costs of arbitration to interpret	568
defined	551
enforcement of arbitration decision	568
interpretation of terms	567, 568
making of	555
notice of, to Commission	569
preparation and execution	569
recognition of bargaining agent	569
strike or lock-out, provision for	568, 569
term of operation	566, 567

ARBITRATION

agreement by parties	554, 555
appointment of arbitrator or board of arbitration	558-560
decision of arbitrator or board of arbitration	562
duty of arbitrator or board of arbitration	562
execution of document	562, 563
notice of matters agreed and matters in dispute	560
to Commission	558, 559
powers of arbitrator or board of arbitration	561, 562
procedure	560, 562
referral to	555, 556, 558
vacancy in office	560
withdrawal of party	559

ASSISTANCE

cost	585
person assigned by Commission	554, 557

BARGAINING UNIT

composition	577, 589, 590
defined	551

BOARD

defined	551
-------------------	-----

CLOSING OF COLLEGE

conditions for	575, 576
payment of employees	576

COLLEGES COLLECTIVE BARGAINING— <i>Continued</i>	PAGE
COMMISSION	
acting chairman	570
annual report	572
chairman and vice-chairman	570
composition	570
defined	551
duties	572
employees	571
exercise of powers	571
professional assistance	571
quorum	571
statistical information, compilation	572
term of office of members	571
testimony	573
vacancy in office	571
COUNCIL	
defined	551
responsibility for negotiations	553
EMPLOYEE	
defined	551
determination of status	583
termination of employment	576
EMPLOYEE ORGANIZATION	
defined	551, 552
fair representation	580
interference	579, 580
membership	570, 576, 579
payment of dues	569, 570
statement, financial	586
officers	585
vote by secret ballot	586
EMPLOYER	
defined	552
discontinuance for cause	579
FACT FINDER	
appointment	555
disqualification	556
duty	556
notice of appointment	556
procedure	556, 557
report	556-558
request by parties	554
termination	555, 556
vacancy in office	556
FINAL OFFER SELECTION	
agreement by parties	554, 555
appointment of selector	563, 564
decision of selector	566
execution of document	566
hearing	564-566
notice by parties	563, 564
setting out final offer	564
referral to	555, 556, 558
reply to final offer	564
statement by parties	563
withdrawal	563

COLLEGES COLLECTIVE BARGAINING—*Continued*

PAGE

HEARINGS

continuation 588

JUDICIAL REVIEW

prohibition against 584, 585

LOCK-OUT

conditions for 575

defined 552

provision for 555, 556, 558, 568, 569

unlawful, calling of 574

declaration as to 574, 575

MATTERS IN DISPUTE

defined 552

NEGOTIATIONS

assistance 554, 555

meeting of parties 554

notice 554, 557

subject matter 554

transitional provisions 553, 554

NOTICE

Commission, copy to 584

employee organization 586

service 585

OFFENCES

body 586, 587

consent 587

information 587

person 586, 587

ONTARIO LABOUR RELATIONS BOARD

bargaining rights, application for 576, 577

complaint, inquiry into 580-582

consent to prosecute 587

decertification, application for 577-579

decisions 584

dues, order as to payment 569, 570

employee, determination of status of 583

organization, statements of 585, 586

judicial review 584, 585

powers 583, 584

practice and procedure 584, 588

representation vote 577

unlawful strike or lock-out, declaration and direction 574, 575

PARTY

defined 552

PERSON EMPLOYED IN A MANAGERIAL OR CONFIDENTIAL CAPACITY

defined 552

REPRESENTATION RIGHTS

bargaining rights, application for 576, 577

units, composition 577

complaint, inquiry into 580-582

decertification 577-579

COLLEGES COLLECTIVE BARGAINING— <i>Continued</i>	PAGE
REPRESENTATION RIGHTS— <i>Continued</i>	
employee organization, interference with.....	579, 580
membership in.....	576, 579
fair representation, duty of.....	580
notice of desire to negotiate.....	577
representation vote.....	577
STRIKE	
conditions for.....	573, 574
defined.....	553
payment of employees.....	574
provision for.....	555, 556, 558, 568, 569
resumption.....	574
unlawful, calling of.....	574
causing.....	582
declaration as to.....	574
refusal to engage in.....	582
VOTE BY SECRET BALLOT	
defined.....	553
employee organization.....	586
WITNESSES	
compellability.....	587, 588
protection.....	582, 583
CORPORATIONS TAX	
AMOUNTS NOT INCLUDED IN INCOME	
mines, exemption for three years.....	184
ships or aircraft of non-residents.....	184
BENEFICIARIES OF TRUSTS	
definitions.....	228
disposition of capital interest in testamentary trust.....	228
distribution by trust in satisfaction of capital interest.....	228
CAPITAL GAINS	
adjusted cost base	
additions to cost.....	168, 169
deductions from cost.....	170-174
deemed contribution of capital.....	169, 170
gain.....	164, 165
capital gain, meaning of.....	164
convertible properties.....	167, 168
cost of property	
value of which included in income.....	168
deferral of gain on involuntary dispositions.....	165-167
definitions.....	174, 175
general rules.....	164
options.....	167
part dispositions.....	165
property—multiple use.....	167
CEASING TO CARRY ON BUSINESS	
sale of accounts receivable	
statement by vendor and purchaser.....	160
inventory	
agreement as to price, repealed.....	160
COLLECTION	
priority of tax.....	238

CORPORATIONS TAX—*Continued*

	PAGE
COMPUTATION OF INCOME	
bond conversion	183
debt deemed not to be income debt	182, 183
expropriation assets acquired as compensation for sale of foreign property	183
fair market value of resource output	
acquired from Crown	182
disposed of to Crown	181, 182
inadequate consideration	180, 181
reimbursement by corporation for payment of Crown royalties deemed	
direct payment to Crown	183
COMPUTATION OF INCOME TAX PAYABLE	
logging tax deduction, repealed	233
small business incentive	233
COMPUTATION OF TAXABLE INCOME	
deductible dividends	
from foreign affiliates	231
non-resident corporations	228
election contributions	231, 232
loss on share when dividend received	
share is capital property	229, 230
not capital property	229, 230
CORPORATIONS RESIDENT IN CANADA AND THEIR SHAREHOLDERS	
amalgamations	
Canadian corporations	195-202
foreign affiliates	202
computation of capital	
paid-up capital	219-221
deficiency	217-219
1971 capital surplus on hand	217-219
deemed dividends	
date deemed payable	184
repayment of debt	184-187
definitions	206-218
exchanges of shares in course of capital re-organization	194, 195
loss on property transferred to controlled corporation	190-192
share for share exchange	
Canadian corporation	192, 193
foreign affiliate	193, 194
transfer of property to corporation	
by shareholder	187-190
from partnership	190
winding-up corporations	
Canadian corporations	206
foreign affiliates	206
wholly owned Canadian corporations	202-206
DEDUCTIONS FROM INCOME ALLOWED	
convention expenses	160
cost of borrowed money	160
investment counsel fees	158, 159
representation expenses	
election	160
reserves	
deferred profit	158-160
mortgage	160-163
sale of agreement for sale or mortgage included in proceeds of disposition	159
scientific research	163, 164
uncollectable proceeds of disposition of depreciable property	159

CORPORATIONS TAX— <i>Continued</i>	PAGE
DEDUCTIONS FROM INCOME	
expenses of objection or appeal	177
exploration and development expenses	177-180
reserves—resource property dispositions	177
DEDUCTIONS FROM INCOME NOT ALLOWED	
interest and taxes on vacant land, definition	156, 157
paid to non-residents, definition	157, 158
royalties, etc., payable to Crown	155, 156
DEFERRED AND OTHER SPECIAL INCOME ARRANGEMENTS	
deferred profit sharing plan	236, 237
EXEMPTIONS FROM INCOME TAX	237
INCLUSIONS IN INCOME	
amounts receivable	148
cash bonus on Canada Savings Bonds	149, 150
interest—accrued by financial corporations	149
recaptured capital cost allowances	150-155
royalties, etc., receivable by Crown	148, 149
INTERPRETATION	145-147
LIABILITY FOR TAXES	
definition	147
taxes payable	147
MISCELLANEOUS	
commencement and application of Act	239-247
short title	247
NON-RESIDENT CORPORATIONS AND THEIR SHAREHOLDERS	
income from foreign affiliates	221
NON-RESIDENTS—TAXABLE INCOME EARNED IN CANADA	232, 233
OTHER SOURCES OF INCOME	
legal costs	175, 176
resource property, disposition of	176, 177
PARTNERSHIPS AND THEIR MEMBERS	
allocation of income to retiring partner	221-223
continuing partnership interest, repealed	223
disposition of partnership interest	228
election by member of partnership	223
partnership business carried on as sole proprietorship	223-226
residual interest in partnership	226-228
PAYMENTS	
instalments of tax	237, 238
special cases	238
interest on instalments	238
SPECIAL STATUS CORPORATIONS	
credit unions	234-236
insurance corporations	236
non-resident-owned investment corporation	233, 234
patronage dividends	234

D

PAGE

DOG LICENSING AND LIVE STOCK AND POULTRY PROTECTION

fur bearing animal, application of Act to.....	689
damage to.....	689
defined.....	689
limitation on.....	689, 690
live stock, defined.....	689
regulations, authority to make.....	690

DRAINAGE

ABANDONMENT

drainage works, of.....	649
engineer's recommendation, on.....	626
notice of intention, of.....	649
on petition.....	650
requirement of engineer's report re.....	649

ACCOUNT

engineer, of.....	643
appeal of tribunal's review of, to referee.....	643
review by tribunal of.....	643

ACTIONS

transfer of, to referee.....	660
------------------------------	-----

AGRICULTURAL LAND

grants re drainage of.....	650-652
referral to Tribunal, re.....	624

ALLOWANCE

for damage re insufficient outlet.....	629
existing drains.....	629
right of way.....	628
severance.....	629
to ornamental trees, etc.....	629
where exceeds assessment.....	641
excessive.....	634

APPEAL

account for environmental appraisal.....	621
apportionment of, re assessment of subdivided land.....	642
assessment for maintenance and repair, of.....	646
conservation authority, by.....	635
council's failure to proceed after preliminary report.....	624
to proceed with construction.....	638
court of revision, of.....	637
environmental appraisal, of.....	624
extension of time, for.....	659
petition not proceeded with.....	620
proceedings on, re improvement.....	647
proceeding on view.....	659
quality of construction, of.....	641
report of engineer for maintenance or repair, of.....	645
to referee, from.....	634
requisition report, of.....	618

ASSESSMENT

alteration of, by clerk.....	637
appeal of.....	636
apportionment of subdivided land.....	641

DRAINAGE— <i>Continued</i>	PAGE
ASSESSMENT— <i>Continued</i>	
basis of.....	627
future assessments for maintenance and repair.....	646
benefit for.....	627
block.....	628
commutation of special.....	639
continuation beyond limits of municipality.....	628
damage for insufficient outlet, re.....	629
imposition of, special.....	639
indicated in money.....	630
injuring liability, for.....	627
neighbouring municipalities, land affected by.....	628
outlet liability, for.....	627
paid out of general funds where less than \$50.....	639
prior assessments to be considered.....	630
public roads, against.....	628
reduction of, by grant.....	651
special benefit for.....	627
subsequent connections, re.....	639
tenants liability for.....	642
variation of, for maintenance and repair.....	630, 645
 BENCH MARKS	
engineer to establish and record.....	625
offence to remove or interfere with.....	625
 BENEFIT	
assessment for.....	627
defined.....	613
 BENEFIT COST STATEMENT	
defined.....	613
notice of requirement, of.....	621
requisition drains, re.....	618
 BRIDGES	
construction, etc., of.....	626
on roads.....	626
 BUILT-UP AREA	
block assessment of.....	627
defined.....	613
 BY-LAW— <i>see also</i> PROVISIONAL BY-LAW	
abandonment of drainage works, re.....	626, 649, 650
adoption of report by.....	633
amendment of, after appeal.....	659
where error found in report.....	638
incorrect funds.....	640
appointment of engineer, by.....	621
form of.....	633
not valid because report not filed in time.....	631
to be quashed because notices not sent within time limits.....	632
passing of.....	638
quashing of.....	638
registration of, where allowance or compensation paid.....	643
repeal of, before construction.....	638

DRAINAGE—*Continued*

PAGE

CLERK OF COURT OF REFEREE

appointment of acting clerk, by referee	656
county court clerk as	656
decisions sent by	659
fees of	656
notice of filing by	659

CLERK OF LOCAL MUNICIPALITY

assessments altered by, after appeal	637
copy of reports sent by	631
deposit with	617
duty of, re requisition	618
fees of	644
notices sent by, appeal to court clerk	634
assessment of land	631
drainage works, of	631
examination of area by engineer	622
filing of engineer's report	630
petition	620
re-assessment of subdivided land	641
preliminary report sent by	623
requisition filed with	617

COMMISSIONERS

appointment of	653
defined	614
duties	653
fees of	653
powers of, to enter land	653

COMPENSATION

ornamental trees, damage to	629
where it exceeds assessment	641

CONSERVATION AUTHORITY

appeal by, from report	635
re account of environmental appraisal	621
defined	614
notice of drainage works sent to	631
improvement sent to	647
report to	631
request for environmental appraisal, by	621

CONSTRUCTION

appeal of quality of	641
option of road authority or public utility to construct	643
non-exercise of option	643
powers of contractor	641

CONTRACTOR

obstruction of	641
powers of	641

COSTS

appeal to referee of	658
assessment of appeal costs	659
council meetings, of	644
drainage works, part of	644
fees of engineer, part of	643

DRAINAGE— <i>Continued</i>	PAGE
COSTS— <i>Continued</i>	
meeting to consider contract price where it exceeds 133 per cent of estimate	638
tariff of	658
taxation, of	658
tribunal, of	655
costs changeable	655
COUNCIL	
abandonment of drainage works, by	649
appointment of engineer, re abandonment	649
re petition	621
consideration of preliminary report	623
report	632
costs of, not part of drainage works	644
to be raised by	639
duty of, re requisition drains	613
meeting for consideration of report	632
power of, re requisition drains	618
preliminary report required by	623
referral back to engineer by	637
COUNTY	
defined	614
COUNTY COURT	
clerk of, as clerk of court of referee	656
defined	614
COURT OF REVISION	
adjournment of	636
appeal to	636
from, to tribunal	637
defined	614
evidence by engineer	637
members of	653
where more than one municipality	653
notice of	633
appeal to	636
qualification of members of	653
sittings of	634
CULVERTS	
construction of	626
report, re	626
DAMAGES	
due to non repair	647
municipality may sue for cost of damage to drainage works	648
pays where negligence	660
penalty for	648
DIRECTOR	
appeal by, to Tribunal	635
appointment of	652
copy of report to	631
defined	614
notice of drainage works to	631
persons to advise and assist	652

DRAINAGE— <i>Continued</i>	PAGE
DITCHES AND WATERCOURSES ACT	
ditches constructed under.....	619
DIVISIONAL COURT	
appeal from decision of referee to.....	660
DRAINAGE SUPERINTENDENT	
appointment of.....	652
defined.....	614
grant for costs incurred by municipality.....	650
inspection of drainage works.....	652
may act for more than one municipality.....	652
powers of.....	653
removal of minor obstructions.....	648
DRAINAGE WORKS	
abandonment of.....	626
assessment of, in neighbouring municipality.....	628
combined, open and covered.....	626
continuing beyond initiating municipality.....	626
costs to be deemed part of.....	644
covered capacity.....	626
defined.....	614
grants re.....	650
improvement of, on report of engineer.....	646
without report of engineer.....	646
inspection of.....	652
interprovincial.....	660
maintenance of.....	644
obstructions.....	648
petition on.....	619
pollution of.....	649
proceeding with where estimate is exceeded.....	639
requisition, on.....	617
subsequent connections with.....	648
unorganized territory, in.....	651
where engineer finds not required.....	631
not deemed outside initiating municipality.....	627
EMBANKING	
commissioners appointed to maintain.....	653
EMERGENCY WORK	
authorization of.....	662
ENGINEER— <i>see also</i> REPORT	
account of.....	643
allowance for severance.....	629
appointment of, on petition.....	621
on requisition.....	617
where engineer is a corporation.....	622
assessment of lands by.....	627
block assessment.....	628
defined.....	614
duty of.....	622, 625
exceeding estimate of.....	638
fees of, part of costs of works.....	643
forfeiture of compensation, by.....	630
insufficient petition, report by.....	623
instruction to.....	624

DRAINAGE— <i>Continued</i>	PAGE
ENGINEER— <i>see also</i> REPORT— <i>Continued</i>	
obstruction of	625
power to enter lands	625
and duties of, re improvement	647
report referred back to	637
sufficiency of petition	623
survey	625
time for filing of report	630
ENVIRONMENTAL APPRAISAL	
appeal of	624
account for	621
request for, for petition drains	621
FEES	
clerk of	644
referee, of	656
commissioner, of	653
engineer, of	643
tariff of	658
GRANTS	
application for	651
assessment, to reduce	651
distribution of, by initiating municipality	651
drainage works eligible for	650
interest charges re	651
payment of	650
where superintendent employed	651
reduction of	652
unorganized territory, in	651
where not to be paid	650
exception to	650
IMPROVEMENT	
deepening, widening or extending without report of engineer	646
defined	614
notice to conservation authority	647
proceedings on report and appeals	647
with report of engineer	646
INITIATING MUNICIPALITY— <i>see also</i> MUNICIPALITY	
appeal of account for environmental appraisal	621
benefit statement required by	621
copy of provisional by-law sent by	633
defined	614
distribution of grants by	651
environmental appraisal, authorized by	621
referral back to engineer by	637
INJURING LIABILITY	
assessment for	627
basis of assessments	627
defined	614
INTERPROVINCIAL DRAINAGE WORKS	
adjoining province, from	661
into	661
apportionment of cost of	661

DRAINAGE— <i>Continued</i>	PAGE
LAND	
access of engineer to	625
assessable in another township	640
exempt from taxation	639
subsequent subdivision of	641
LATERAL DRAIN	
defined	615
MAINTENANCE	
appeal of engineers report	645
defined	615
drainage works and costs of	644
municipality compellable to carry out	647
proceeding on report of engineer	645
variations in assessment	630, 645
when levy maintenance required	645
MINISTER	
agreements for interprovincial drainage	660
benefit cost statement required by	621
copy of decision of referee to	659
preliminary report to	624
defined	615
reduction of grant by	652
referral to Tribunal, where council does not proceed with petition	620
where council fails to appoint engineer	622
dissatisfaction with environmental appraisal	624
report not adopted	633
MINISTER OF NATURAL RESOURCES	
appeal of the account for environmental appraisal	621
copy of preliminary report to	624
report to	631
notice of drainage works to	631
request for environmental appraisal by	621
referral of environmental appraisal to Tribunal, by	624
MUNICIPAL ACT	
collection of assessments under	639
MUNICIPALITY	
abandonment of drainage works by	649
appeal by	635
of account for environmental appraisal	621
benefit cost statement required by	621
copy of preliminary report to all local municipalities	624
provisional by-law	633
cost of drainage works to be raised by	639
removal of obstruction	648
damages to drainage works may be sued for, by	648
environmental appraisal required by	621
liability for non-repair of drainage works	647
notice of court of revision	633
owner responsible for removal of obstruction on notice from	648
payment of balance by where allowance or compensation exceeds assessment	641
reasons for appeal by	635

DRAINAGE— <i>Continued</i>	PAGE
MUTUAL AGREEMENTS	
effect of registration of	616
two or more owners, by	616
what to be included in	616
NOTICE	
appeal to court of revision, of	636
benefit cost statement, required, of	621
conservation authority, concerning improvement	647
court of revision, of	633
drainage works, of	631
environmental appraisal required, of	621
examination of area by engineer,	
re petition	622
requisition	617
hearing of referee, of	656
intention to abandon a drainage works, of	649
petition of	620
Tribunal, appeal to commenced by	655
time and place of hearing	637
OBSTRUCTIONS	
collection of cost of removal of	648
penalty for	648
removal of	648
minor	648
OFFENCES	
interference with bench marks	625
obstruction of contractor	641
engineer	625
penalty for damage to drainage works	648
pollution of drainage works	649
OUTLET LIABILITY	
assessed for	627
basis of assessment for	627
defined	615
ONTARIO DRAINAGE TRIBUNAL— <i>see</i> TRIBUNAL	
OWNER	
appeal, where council fails to appoint engineer	622
of quality of construction	641
to tribunal	634
copy of report to	631
preliminary report to	623
defined	615
engineer may be required, re abandonment	649
funds disbursed among	650
notice of drainage works to	631
person deemed	620
persons jointly assessed	620
power to compel repairs	647
responsibility for withdrawn requisition	619
of, for payment	640

PENALTIES—*see* OFFENCES

DRAINAGE *Continued*

PAGE

PETITION

abandonment of drainage works, on.....	649
cost of preliminary report where petition is insufficient.....	624
engineer to determine sufficiency of.....	623
filing of.....	619
form of.....	619
liability of original petitioners.....	633
owners not to count for or against.....	627
sufficiency of.....	619, 632
where area on each side of boundary line.....	620
withdrawal from.....	624, 632

POLLUTION

penalty for.....	649
prohibited.....	649

PRELIMINARY REPORT

consideration of.....	623
cost of, where petition insufficient.....	624
defined.....	615
requisition drain, re.....	618
where required.....	623

PROPERTY

defined.....	615
--------------	-----

PROVISIONAL BY-LAW

adoption of report by.....	633
copy of, to owners.....	633

PUBLIC UTILITY

copy of report to.....	631
preliminary report to.....	623
defined.....	615
increased costs, because of.....	628
notice of drainage works to.....	631
option to construct drainage works.....	643
non-exercise of option.....	643

PUMPING WORKS

commissioners appointed to operate.....	653
---	-----

RAILWAY COMPANY

copy of report to.....	631
notice of drainage works to.....	631

REFEREE

acting, appointment of.....	655
actions transferred to.....	660
affidavits filed before motion.....	658
appeal from decision of.....	660
report of.....	634
appointment of.....	655
assessing of costs.....	659
cases of settlement.....	659
clerk of court of.....	656
decision, filing of.....	659
defined.....	615
determination of questions of fact or law.....	657
directions given by.....	658

DRAINAGE— <i>Continued</i>	PAGE
REFEREE— <i>Continued</i>	
extension of time for appeal.....	658
interlocutory applications to.....	657
jurisdiction of.....	657
notice of proceedings filed in county court.....	658
time and place of hearing.....	656
powers of.....	657
proceeding instituted by notice.....	658
qualifications of.....	655
remuneration.....	655
rules made by.....	657
sheriffs to assist.....	656
stenographic reporters employed by.....	656
transfer to another court by.....	660
use of court house by.....	656
where extension of drainage works necessary.....	660
REGULATIONS	
authority to make.....	662
REPAIRS	
appeal of engineers report.....	645
council to furnish amount required.....	645
defined.....	615
proceeding on report of engineer.....	645
variation in assessment.....	630, 645
without report of engineer.....	644
REPORT	
abandonment of drainage works, re.....	626
adoption of.....	633
requisition.....	618
appeal to Tribunal where not adopted.....	633
assessments, re.....	627, 630
basis of.....	627
bridges and culverts, re.....	626
copy of sent to, conservation authorities.....	631
Director.....	631
Minister of Natural Resources.....	631
other municipalities.....	631
owners.....	631
public utilities.....	631
railways.....	631
road authority.....	631
defined.....	615
disposal of material, re.....	626
error found in.....	638
insufficient petition, where.....	623
one report on two or more petitions.....	622
proceedings on, re improvement.....	647
referral to Tribunal, where not adopted.....	633
subsequent connections, re.....	642
time for filing of.....	630
REQUISITION	
adoption of report of.....	618
drainage works constructed on.....	617
form of.....	617

DRAINAGE— <i>Continued</i>	PAGE
ROAD AUTHORITY	
copy of report to	631
preliminary report to	623
defined	615
notice of drainage works to	631
option to construct drainage works	643
non-exercise of option	643
ROADS	
moving of drainage works off	646
petition for drainage of	619
SPECIAL BENEFIT	
assessment for	627
commutation of assessment	639
defined	615
imposition of assessment	639
SUFFICIENT OUTLET	
allowance for, insufficient	629
continuing to	626
defined	616
STENOGRAPHIC REPORTERS	
employment of, by referee	657
Tribunal	655
SUPERINTENDENT— <i>see</i> DRAINAGE SUPERINTENDENT	
SURVEY	
duties of engineer, re	625
establishment of bench marks by	625
TARIFFS	
costs, of	642
TAXES	
tenant's covenant to pay	642
TRIBUNAL	
adjournment of	636
appeals, to re account for environmental appraisal	621
council does not proceed with construction	638
petition	620
after preliminary report	624
commenced by notice	655
owners dissatisfied with report	634
of requisition report	618
clerk of	654
copy of decision	654
costs of	655
chargeable	655
court of revision, appeal of decision of, to	637
decision of final	655
defined	616
establishment of	654
evidence by engineer	637
extension of time	655
notice of hearing by	637
parties to appeal to	636

DRAINAGE— <i>Continued</i>	PAGE
TRIBUNAL— <i>Continued</i>	
powers of	636
re environmental appraisal	625
procedure of	637
quorum of	654
referral to, by Minister	620, 628
remuneration of members of	654
rules made by	654
sittings of	654
stenographic reporters, employment of by	654
where report not adopted	633
UNORGANIZED TERRITORY	
grants for drainage works in	651
initiation of drainage works in	661
WATER GATES	
construction of	626

E

EDUCATION	
apportionment, payments in lieu of taxes re	607, 608
bursary program	607
ELECTION FINANCES REFORM	
ACCESS	
auditor's right of	97
Commission's right of	76
investigator's right of	76
public's right to, re Commission's records	84
publisher's records	88
ADVERTISING	
as a contribution	87
ceiling re costs of	94
identification re sponsor of	88
period when not permitted	93
"political advertisement" defined	88
surtax re	94
ANNUAL FILINGS	
by chief financial officer	97
exception to	98
for constituency association	97
political party	97
offence re failure to file	100
repercussions re failure to file	98
ANNUAL MEMBERSHIP FEES	
as contributions	90
ANONYMOUS CONTRIBUTIONS	85, 89
APPLICABILITY OF ACT	73
APPLICATION	
for deregistration	81
registration, at request of Commission	80
by constituency association	79
political party	77, 78

ELECTION FINANCES REFORM—*Continued*

PAGE

ASSOCIATIONS

receipts re contributions through 89

AUDITING

availability of services for 75
 of candidate's records 97
 Commission's records 77
 constituency association's records 97
 political party's records 97

AUDITORS

duty to appoint 96
 eligibility of 96
 powers of investigation 97
 replacement of 96
 report of 96, 97
 subsidizing costs of services of 97

BORROWING

by candidate 93
 constituency association 93
 political party 93
 proviso re 93

BROADCASTING UNDERTAKING

defined 71

BY-ELECTION

as an election 85
 defined 71

CAMPAIGNS

excluded from Act 73

CAMPAIGN PERIOD

contributions re 85
 filings re 98
 reports re 98

CANDIDATE

acceptance of funds 82, 91
 accepting contributions for 679
 appointment of auditor 96
 borrowing by 93
 chief financial officer of 91
 contributions to 85
 definition of 71
 deregistration of 84
 filings by 98
 fining of 100
 funds held in trust for 73
 loans by 93
 offence by 100
 own funds as contribution 83, 86
 public funding of 99, 100
 receiving contributions for 82
 recording contributions 92
 registration of 82-84, 679
 reimbursement of election expenses of 99, 100
 retaining contributions 85, 86, 90

ELECTION FINANCES REFORM— <i>Continued</i>	PAGE
CANDIDATE— <i>Continued</i>	
summary of financial condition of.....	76
transfer of funds to.....	73, 89, 96
vacation of seat by.....	99
vicarious liability of.....	100
CEILINGS	
on advertising.....	94, 95
contributions.....	85
CHECK-OFFS	
re payroll deductions.....	91
CHIEF FINANCIAL OFFICER	
duties of.....	91, 92, 98
duty to appoint.....	91
effect of non-compliance with Act by.....	81
offence by.....	98
vicarious liability re.....	100
COLLECTION OF MONEY.....	89
COMMISSION	
annual report from.....	76
auditing of records of.....	77
chairman of.....	74
composition of.....	74
defined.....	71
deregistration by.....	81
duties of.....	75
establishment of.....	74
expenditures by.....	75
forms of.....	75, 76
information to be provided to.....	76
investigatory powers of.....	76
members of.....	74
powers of.....	75
public access to records of.....	84
quorum of.....	74
reappointment to.....	75
salary of.....	75, 76
staff of.....	75
vice-chairman of.....	74
CONSTITUENCY ASSOCIATION	
accepting contributions for.....	679
appointment of auditor by.....	96
borrowing by.....	93
chief financial officer of.....	91
contributions to.....	79
deemed registration of.....	80
definition of.....	71
deregistration of.....	81
effect of <i>The Representation Act, 1975</i> on.....	81
endorsement of.....	72
filings by.....	97, 98
fining of.....	100
membership fees in.....	90
offence by.....	100
providing of information by.....	76

ELECTION FINANCES REFORM—*Continued*

PAGE

CONSTITUENCY ASSOCIATION—*Continued*

registration of	79, 679
reporting to Commission	80
style of prosecution of	101
vicarious liability of	101

CONTRIBUTIONS

advertising as	87
amounts permitted	85
annual membership fees as	90, 91
anonymous	85, 89
calendar year	85
campaign period	85
candidate's funds as	86
ceilings re	85
check-offs as	91
contributor to use own funds	86
depositing of	85, 91
described	71
excess	90
extra-provincial	90
form of	85
from corporations	84, 85
federal parties	86
foundation	96
persons	84, 85
trade union	84, 85, 91
fund raising events as	89
goods as	86, 87, 92
group	89
interparty, etc., transfers as	89, 90
limitation on	77, 79, 85, 86, 90
receipts re	80, 89
recording of	89, 92
registration as a pre-requisite to acceptance of	679
reporting of	92
retention of	85, 86, 90
returning of	85, 86, 90
services as	86, 87, 92
to registered candidate	85
constituency association	85
party	85
who may give	84
receive	77, 679

CONVENTIONS

excluded	73
----------------	----

CORPORATIONS

associated	73
contributions from	85, 90
finding of	100
foundation as	95
offence by	100
vicarious liability of	101

DEEMED REGISTRATION

of constituency association	80
political party	80

ELECTION FINANCES REFORM— <i>Continued</i>		PAGE
DEPOSITS		
duty to deposit		85
DEREGISTRATION		
disposition of funds upon		82
effect of		82
for non-compliance with Act		81
notice of		81
of candidate		84
constituency association		81
political party	81,	82
review of		82
DUTY		
of auditor	96,	97
chief financial officer	86, 90-92,	97, 98
trustee		73
ELECTION		
by-election, defined		71
general, defined		72
ELECTION ACT		
amendments to		101
EXCESS CONTRIBUTION		
depositing		90
retaining		90
EXPENDITURES		
of candidate re public funding		99
Commission		76
FEDERAL PARTIES		
contributions from		86
to		90
FILINGS		
by candidate		84
chief financial officer		92
foundation		96
trustee		73
with Commission		84
FINES— <i>see</i> OFFENCES		
FORM		
of contribution	84,	85
to be prescribed by Commission	75,	100
FOUNDATION		
establishment of		95
reporting by		95
transfers from		95
FUND RAISING EVENTS		
charge for as contribution		89
description of		88
funds from		89
reporting of income from		88

ELECTION FINANCES REFORM <i>(continued)</i>	PAGE
FUTURE CANDIDACY	
funds held in trust for	73
GENERAL ELECTION	
defined	72
GOODS	
as contributions	86, 87
evaluation of	92
GROUP CONTRIBUTIONS	
reporting of	89
GUARANTEEING OF LOANS	
as contributions	93
exception	93
GUIDELINES FROM COMMISSION	76
INSPECTION	
by auditor	97
Commission	76
of Commission's records by public	84
publisher's records by public	88
INTERPARTY, ETC., TRANSFER OF FUNDS	89, 96
INVESTIGATION	
by auditor	97
Commission	75, 76
Commission's representative	76
obstructing of	101
ISSUING OF RECEIPTS	89
LOANS	
prohibition re	93
recording of	93
reporting of	93
MONEY COLLECTION	
as a contribution	89
NOTICE	
upon proposed deregistration	81
withdrawal of candidacy	84
OFFENCE	
by a political party	100
trade union	100
candidate	100
chief financial officer	100
constituency association	100
corporation	100
for false information	101
statement	101
obstructing an investigation	101
vicarious liability re	100

ELECTION FINANCES REFORM— <i>Continued</i>	PAGE
OUTDOOR ADVERTISING FACILITIES	
defined	72
PAYROLL DEDUCTIONS AS CONTRIBUTIONS	91
PERSONS	
contributions from	85
described	72
offences by	101
POLITICAL ADVERTISEMENT	
defined	88
POLITICAL PARTIES	
accepting contributions for	679
auditors of	96
chief financial officers of	91
contributions from	86, 89, 95
to	77
deeming registration of	80
deregistration of	81
filings by	92
limitation re name of	78
membership fees in	90
offence by	100
prosecution of	101
registration of	77, 679
reporting to Commission by	76
vicarious liability re	101
POLLING DAY	
defined	72
PROSECUTION	
style of	101
PUBLIC	
access to Commission's records	84
publisher's records	88
funding of candidate	99
RECEIPTS	80, 89, 92
RECORDS	
duty to maintain	91
re calendar year	92
campaign period	92
contributions	89, 92
loans	93
REGISTER	
of candidates	83, 679
constituency associations	79, 679
political parties	77, 679
REGISTERED CANDIDATE	
defined	72
REGISTERED CONSTITUENCY ASSOCIATION	
defined	72

ELECTION FINANCES REFORM—*Continued*

PAGE

REGISTERED PARTY

defined 72

REGISTRATION

deeming of 80, 81

deregistration 81, 82

effective date of 84

of candidate 84

constituency association 79

political party 77, 78

prior to the issue of the writ 84

REIMBURSEMENT OF ELECTION EXPENSES

application of funds from 99, 100

formula for 99

increase in 99

reports as prerequisites to 99

REPORTING

by auditors 96

foundation 96

of loans 93

trust fund 73

to Commission 76

REPONSIBILITIES

of auditors 96, 97

chief financial officers 91, 92

Commission 75, 76

REVISED LIST OF VOTERS

defined 72

SERVICES

evaluation of as contribution 86, 87, 92

TRADE UNION

contributions re 85

definition 72

payroll deductions re 91

style of prosecution of 101

vicarious liability 101

TRUST FUNDS

as contributions 73

WITHDRAWAL OF CANDIDACY 84

YEAR,

calendar year 1975 74

defined 72

ENVIRONMENTAL ASSESSMENT

ACT

application of 477

Crown bound by 477

purpose of 477

AIR

defined 475

ENVIRONMENTAL ASSESSMENT— <i>Continued</i>	PAGE
APPROVAL TO PROCEED	484-486
BOARD	
chairman and vice-chairmen of	487
composition of	486
decision of	488-490
defined	475
employees of	487
hearings by, requirement of	480, 482, 484, 489, 490
open to public	489
inspection of premises by	489
parties to proceedings before	483, 488
practice and procedure of	487, 488
powers of, exercise of	487
quorum of	487, 488
remuneration of members of	487
term of office of members of	487
testimony by member, employee or appointee of	489
DOCUMENTS	
destruction of	496
inspection of	496
ENVIRONMENT	
defined	475
ENVIRONMENTAL ASSESSMENT	
content of	477, 478
defined	476
inspection of	480
notice of acceptance of	480, 481
proposal to amend	481
review of	479, 480
submission of, by proponent	477
withdrawal of	480
ENVIRONMENTAL HEARING BOARD	
transitional provision re	489
EVIDENCE	
certificate as	495
FALSE INFORMATION	
prohibition against	494, 495
HEARING— <i>see</i> BOARD	
LAND	
defined	476
LIABILITY	
protection from	499
MINISTER	
application to Divisional Court by	492
defined	476
exemption from application of Act by	492
general powers of	493, 494
matters to be considered by	480

ENVIRONMENTAL ASSESSMENT— <i>Continued</i>	PAGE
MINISTER— <i>Continued</i>	
order by, as to disclosure	492
public hearing under other Act	494
research required by	482
written submissions to	480, 482
MINISTRY	
defined	476
MUNICIPALITY	
defined	476
NOTICE	
acceptance of environmental assessment	481
facts affecting approval to proceed	496
proposal to amend environmental assessment	481, 482
public	496
receipt of environmental assessment	480
requiring hearing	480, 482-484
research	482
service of	495
OFFENCE	496
PERSON	
defined	476
PROCEED	
defined	476
PROPONENT	
defined	476
submission of environmental assessment by	478
PROVINCIAL OFFICER	
confidential knowledge of	491, 492
defined	476
designation of	490
obstruction of	491
powers of	491
PUBLIC BODY	
defined	476
RECORD	
maintenance of	493
REGULATIONS	
adoption of codes in	498
application	498
defined	476
power to make	497
scope	498
UNDERTAKING	
change of	486
class of	497, 498
defined	476, 477
licence, permit, approval, permission or consent in respect of	479
loan, guarantee, grant or subsidy in respect of	479
WATER	
defined	477

GIFT TAX	PAGE
exemption from tax	
contributions to spouse's registered retirement savings plan	135-138
gifts of farming assets	135-138
shares of business corporations	135-138
to individuals	138
lien for tax, removed re personal property	139
rate of interest on overpayments, regulations re	139
returns, claims for exemptions, re	139
 GOULBOURN (TOWNSHIP)	
municipal office building, debentures re authorized	719

H

HAMILTON (CITY)	
building by-law, contravention, penalty increased	721
guarantee of mortgage on ice arena authorized	417
Hamilton Performing Arts Corporation, Inc. board of directors,	
composition of	721, 722
deemed local board for purposes of Assessment Act	722
taxation, exemption from	722
highways, encroachments on authorized	722
Lakeland Beach Swimming Pool, cancellation of tax arrears authorized . .	723, 724
parking, permits for on highways	727, 728
relief from requirements of	725-727
transportation, disabled persons, reduced fares for authorized	721
 HARFORD LIMITED	
corporation revived	729
 HEALTH DISCIPLINES	
dentistry, Dentistry Review Committee	461
use of titles	461
medicine, use of titles	461, 462
nursing, duty of employer	462
optometry, Optometry Review Committee	462
use of titles	462
 HEALTH INSURANCE	
accounts for services, recovery of excess amounts	420-423
submitted by practitioners to Plan	419, 420
Health Services Appeal Board, parties to proceedings before	421
notice, service of	423
physician, defined	419
practitioner review committee	419
regulations, power to make	423, 424
 HEALTH INSURANCE REGISTRATION BOARD	
Act repealed	459
 HIGHWAY TRAFFIC	
limitation period for action for damages	311
motor assisted bicycle, definition	609
riders prohibited	611
sale of	610
school buses, effective date of section 120	23
loading zones	464
signal lights	463, 464

HORTICULTURAL SOCIETIES

additional societies.....	306, 307
board, composition of.....	306, 307
defined.....	305
<i>ex officio</i> member of.....	308
Director, defined.....	305
directors, number of.....	306, 307
grants, payment of.....	308, 309
Minister, defined.....	305
Ministry, defined.....	305
municipal grants.....	309
municipality, reorganization of not to affect society.....	306
Ontario Horticultural Association, affiliation with.....	309
society, defined.....	305
members of.....	306, 307
membership fee in.....	307
objects of.....	307, 308
organization of.....	306, 307
quorum of.....	308
voting of members of.....	307

HURON COLLEGE

Academic Council, composition of.....	734
quorum of.....	735
term of office on.....	734, 735
Corporation, by-laws, examination and publication of.....	733
Canadian citizenship, requirement of.....	732
composition of.....	731
election and appointment of members to.....	732, 733
meetings of, open to public.....	733
term of office on.....	732
Executive Board, annual financial report by.....	735
appointment of auditor by.....	735
composition of.....	733
declaration of interest by member of.....	733
principal, member of Anglican clergy, requirement removed.....	735

I

INCOME TAX

tax, instalment payments of.....	143, 144
not payable where amount does not exceed \$61.....	141
credits, entitlement to.....	141, 142
political contributions, for.....	141-143

INSURANCE

automobile insurance.....	693
capital requirements for licence.....	693
Fire Mutuals Guarantee Fund,	
application of provisions re.....	693
assessments for.....	694, 695
assets of.....	694, 695
establishment of.....	694
passing of accounts for.....	696
purposes of.....	694
withdrawal from.....	695
re-insurance, compulsory.....	694
general, agreement for.....	693

J

PAGE

JUDICATURE

Inspector of Legal Offices	
duties re masters	292
Judicial Council	
powers and duties of	290
local judges	
jurisdiction of re divorce actions	292
local masters	
appointment of	291
county judges as	291, 292
masters	
appointment of	289
defined	289
other employment of	291
removal of from office	289, 290
remuneration of, etc	291
retirement of	290
superannuation of	291
regulations re masters	291
rules re masters	292
Senior Master	290, 291

JURIES

certification of roll	271
delivery of copies of panel	271
jurors	
fees for	272
notice to not attend	271
release of during sittings	271, 272
offence	
for failure to return jury service notice	272
tampering with jurors	272

K

KAPUSKASING (TOWN)

assessment, market value basis, requirement for not in effect	737
---	-----

KINGSTON (CITY)

parking, permits for on highways	739-741
--	---------

L

LABOUR RELATIONS

Act, application	594
arbitration, voluntary agreement	596
associated businesses	593, 594
bargaining unit, appropriateness	594, 595
certification, alteration of terms pending	599, 600
disqualification	595
pending final resolution	594
where Act contravened	595
collective agreement, extension of term	598
provision as to union dues	597
recognition of bargaining agent	597
time for taking grievance procedure	597
unrecognized	598

LABOUR RELATIONS— <i>Continued</i>	PAGE
complaint, inquiry	601, 602
defence, proved failure to receive document	604
dependent contractor, bargaining unit	594, 595
defined	593
discrimination, collective agreement	598
employers' organization	605
Disputes Advisory Committee, composition	596
purpose	596
employee, defined	593
employer, successor	598, 599
employers' organization, discrimination	605
enforcement, Board's orders	603, 605
financial statement, administrator of fund or plan	600, 601
inquiry into adequacy	600
grievance, referral to Board	604, 605
labour relations officer, inquiry into complaint	601, 602
grievance	604, 605
report	601
secrecy of information	604
lock-out, declaration by Board	603
unlawful	599
quorum, Board	603
ratification vote, Minister may require	596
regulations, authority	604
representation vote	595, 598
sector, construction industry	604
special officer, appointment	595
duties	596
qualifications	596
strike, declaration by Board	602, 603
unlawful	599
trade union, fair referral	599
union shop, clause in agreement	598
witness, member or employee of Board	603, 604

LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES

Act, administration of, by Speaker	697
supplementary benefits, payment of	698
Speaker authorized to provide	697

LIQUOR CONTROL

Chairman	
appointment of	275, 276
duties of	277
finances	
audit	278
expenses	278
financial statements	278
revenues	278
Liquor Control Board	
a corporation	278
Chairman and Vice-Chairman of	275, 276
composition	275
continued	275
employees of	277, 278
powers of	276, 277
remuneration of members of	276

LIQUOR CONTROL—*Continued*

	PAGE
regulations.....	278, 279
reports	
annual.....	278
on request of Minister.....	278

LIQUOR LICENCE

appeals re licences and permits.....	324-328
confidentiality.....	332, 333
detoxification.....	337, 338
hearings re licences and permits.....	324-328
inspections.....	332
interdiction orders, appeal from.....	337
making of.....	336, 337
investigations.....	330-332
licences,	
continuation of.....	323
expiration of.....	322
for manufacturer to sell.....	320
issuance of.....	320-322
public hearing re.....	322
refusal to issue or transfer.....	323-325, 328
renewal of.....	322, 323
review of.....	323
revocation of.....	323-325
to sell liquor.....	320
solicit orders.....	320
transfer of.....	320, 328-330
Liquor Licence Appeal Tribunal,	
established.....	325
hearings of.....	326-328
members of.....	325, 326
Liquor Licence Board	
assets and obligations of.....	319, 320
chairman.....	318
composition.....	319
employees of.....	319, 320
established.....	318
finances of.....	319
powers and duties of.....	319
offences,	
advertising, regulation of.....	339, 343
arrest without warrant.....	342, 344
civil liability for serving liquor to intoxicated person.....	344
consumption of alcohol.....	343
liquor in public place.....	341, 342
disturbance on licensed premises.....	342
exceptions.....	346
forfeiture of liquor.....	343, 345
furnishing false information.....	344
general.....	344
search without warrant.....	343
supply of liquor to intoxicated person.....	341
minor.....	341
unlawful purchase.....	340
sale.....	320
penalties.....	344

LIQUOR LICENCE— <i>Continued</i>	PAGE
permits, special occasion	
continuation of	323
issuance of	323
refusal to issue	323-325, 328
review of	323
revocation of	323-325
proof of age	341, 343, 344
prosecutions, certificates as evidence	346
consent to	345
reclamation	338
registration of manufacturer's agents	338
regulations	338-340
 LONDON (CITY)	
council, acting head of	743, 744
debentures, sinking fund committee, powers and duties of	744-747
zoning by-laws, consolidation of authorized	743
 M	
 MECHANICS' LIEN	
Crown bound re public work	366
lien against Crown,	
charge on holdback	366
expiration of	368, 369
notices of	366-368
time for claiming	368
public work of Crown defined	365
regulations	369
 MINERAL EMBLEM	
mineral emblem of Ontario	447
 MINISTRY OF COLLEGES AND UNIVERSITIES	
collective agreement, provision repealed	591
bargaining, provision repealed	591
interest, payable by Minister	287
regulations	287, 288
 MINISTRY OF COMMUNITY AND SOCIAL SERVICES	
grants re social and credit counselling services	273
 MINISTRY OF CULTURE AND RECREATION	
advisory committee	252
agreements	252
grants, re programs of culture and recreation	251
Indian, defined	252
leadership training camps	251
expenses of	251
Minister, agreements	252
citizenship functions	249
establishment of leadership training camps	251
reference to	252, 253
regulations	249-251
 MINISTRY OF HEALTH	
agreements, delegation of authority to sign	425
regulations, power to make	425, 426
respiratory diseases, authority of Minister in respect of	425

MINISTRY OF TRANSPORTATION AND COMMUNICATIONS	PAGE
CREDITORS PAYMENT	
claims, payment of.....	372
service of notice of.....	372
list of creditors.....	372
posting of provisions.....	372
regulations.....	372, 373
MORTGAGE BROKERS	
exemptions.....	281
regulations.....	285
sale of mortgages on land outside Ontario.....	281-285
MOTOR VEHICLE FUEL TAX	
interest, regulations re.....	66
relief from.....	65
Minister, delegation of powers and duties of.....	67
officers of corporations liable to prosecution.....	65
refund of tax, authorized.....	65, 66
claim for.....	64
recovery of excess.....	64
regulations re.....	66
registrants, records and returns of.....	66
registration certificate, offence for contravention of.....	63, 64
restricted.....	63
regulations authorized.....	66, 67
MUNICIPAL	
body-rub parlours, licensing and regulation of.....	435, 436
Canadian Deep Waterways and Power Association, delegates, payment of expenses of.....	433
county roads, regulation of traffic on, etc.....	436, 437
estimates, allowances to be made in.....	54
grants, guarantee of loan by way of.....	431
specific authorizations for, provisions repealed.....	433, 435, 437
terms and conditions re.....	431
pension plans, discontinuance, Ministry approval, provision repealed.....	431
maximum benefits, calculation of.....	431, 432
police villages, granting powers.....	437
rates, manner of levying of.....	51
sidewalks, snow and ice removal by municipality from.....	433, 434
signs, prohibition or regulation of.....	434, 435
taxation, agricultural research stations of.....	52, 53
designation of liability re,	
correctional institutions.....	51
facilities under <i>Developmental Services Act</i>	52
hospitals.....	51
universities.....	51
educational institutions of.....	52
telephone companies, taxation, pre-estimate levy of.....	432
traffic agreements.....	432
MUNICIPAL ELDERLY RESIDENT'S ASSISTANCE	
personal residence, defined.....	303
surviving spouse, continuation of tax credit to.....	303
MUNICIPAL ELECTIONS	
forms, Minister may prescribe in both English and French.....	267
quorum, failure to obtain, power of Minister to declare seats vacant.....	267
vacancy, majority of seats, power of Minister to provide for interim administration.....	267

MUNICIPAL TAX ASSISTANCE	PAGE
Ministry of Treasury, Economics and Intergovernmental Affairs, valuation of provincial property, provisions repealed	299
rates, garbage, provincial property, payment of	299
sewer and waterworks	299
recovery, payments by Ministry of Treasury, Economics and Intergovernmental Affairs, of	300
telephone tax, Crown agency, payment of	300

MUNICIPALITY OF METROPOLITAN TORONTO

debentures,	
Debenture Registry Book, maintenance of	265
foreign currency in	264
sinking fund, interest rate applicable to	264
surplus in, application of	264, 265
Exhibition Stadium Corporation,	
agreements with Metropolitan Corporation by	263
audit of accounts of	263
Board of Management of,	
application of OMERS to	263
by-laws of	263
chairman and vice-chairman of	262
composition of	262
general powers of	262, 263
management powers of	263
term of office	262
borrowing powers of	263
established	262
non-application of Corporations Act to	262
stadia, construction and operation of by	264
surplus funds, entitlement of Metropolitan Corporation to	263
<i>General Welfare Assistance Act</i> , Metropolitan Corporation deemed county for purposes of	415
highways, stopping up of, time for objection re	261
metropolitan levy, penalty for late payment of	264
TTC, exclusive franchise, exceptions to	261
water rates, rate of interest re default in payment of	261

N

NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT	
development, defined	473

NORTH YORK (BOROUGH)	
water revenues, surplus, transfer for general purposes authorized	749

O

OMBUDSMAN	
appointment	353
audit	355
complaints	356, 357
delegation of powers	363
investigation of complaints	357, 358-360, 362, 363
oath of office	355
offences	363, 364
proceedings privileged	362
recommendations	360-362
removal	353
report annually	355

	PAGE
OMBUDSMAN— <i>Continued</i>	
staff	354, 355
temporary appointment	354
terms of employment	353, 354
ONTARIO AGRICULTURAL MUSEUM	
Act, administration of, by Minister	441
Board, chairman, appointment of	441
composition of	441
continued	441
defined	441
duties of	442
quorum of	442
remuneration of members of	442
term of members of	442
vice-chairman, appointment of	441, 442
chief executive officer, appointment of	442
duties of	442
reports by	444
contracts, enforcement of	443
Minister, administration of Act by	441
defined	441
delegation of powers by	443
powers of	442, 443
report by	444
tabling of report by	444
moneys, payment of into Consolidated Revenue Fund	443, 444
use of	444
Museum, continued	441
defined	441
fiscal year of	443
objects of	442
Provincial Auditor, annual audit of accounts by	444
regulations, authority to make	444
penalty for contravention of	444
ONTARIO HERITAGE	
designation, under public or private Acts	691
ONTARIO HOME BUYERS GRANT	
assignments, Minister not bound by	28
eligibility period, defined	26
grants, application for	26
payment of by Minister	27
qualifications for	26, 27
recovery of when wrongly obtained	29
supplementary, application for	27, 28
payment of by Minister	28
housing unit, defined	25
mobile home, defined	25, 26
moneys, Consolidated Revenue Fund from	29
offence, penalties for	28
regulations, Lieutenant Governor in Council by	28
retroactivity of	28
ONTARIO LOAN	
loans, authorized	31
manner of raising	31
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM	
Ministry, approval of to amendment or repeal of by-law to participate in System, provision repealed	301

ONTARIO TRANSPORTATION DEVELOPMENT CORPORATION	PAGE
disposal of property	429
transfer of shares	429, 430
ONTARIO UNCONDITIONAL GRANTS	
assessment, deemed increase of	45-47
<i>Assessment Act</i> , s. 43, exclusion of taxes added under	45-47
definitions	39, 40, 43
grants, general support	47
per capita, credits re	41, 42
payment of	41, 42
resource equalization	45
special support	47
transitional	44, 45
levy, apportionment among merged areas	44
determination of rates re	43, 44
Lieutenant Governor in Council, payments by	44, 45
regulations by	47, 48
merged areas, apportionment of levy among	44
Minister, defined	40
grants or loans by	42, 44
moneys, appropriation by Legislature	47
<i>Municipal Unconditional Grants Act</i> , 1974, repealed	41
population, manner of determining	40, 47
<i>Property Tax Stabilization Act</i> , 1973, repealed	41
rates, determination of	43, 44
references, deemed changed in other Acts	41
<i>Regional Municipal Grants Act</i> , repealed	40, 41
regulations, Lieutenant Governor in Council by	47, 48
retroactivity of	48
Schedules	48, 49
taxes, undue increase in, grants or loans by Minister re	42
ONTARIO WATER RESOURCES	
Environmental Assessment Board, defined	505
hearings	505, 506
Hearing Board, provisions repealed	505, 507
term substituted	505
OTTAWA (CITY)	
basement flooding, protective devices, loans re installation of authorized ..	751, 752
OXFORD (COUNTY)	
pre-estimate levies, authority of Woodstock and Ingersoll re in 1975	413
P	
PETROLEUM PRODUCTS PRICE FREEZE	
expiration of price freeze	468
information	468
inspection	468, 469
offences	469
price freeze	467, 468
POLLUTION ABATEMENT INCENTIVE	
grants, last date for applications for	21
qualifications for	21

	PAGE
POUNDS	
cattle, goats, etc., not to run at large in unorganized territory	471
owner of animal, liability in damages	471
penalty	471
PREGNANT MARE URINE FARMS	
Board, composition of	427
term of office of members of	427
PROTESTANT CHILDREN'S VILLAGE, OTTAWA	
Village, Acts, re, repealed	755
application of <i>Mortmain and Charitable Uses Act</i> to	754
bequests to	754
by-laws of	754
corporation continued	753
investment powers	754
meetings of	753, 754
objects of	753
property, acquisition of	754
quorum	754
PROVINCIAL SCHOOLS NEGOTIATIONS	
authority, established	668
moneys required for	668
teachers employed by	668, 669
definitions	667, 668
Deputy Minister, witness as	670
administrative duties of	669
<i>Education Act</i> , Part IX, application of	669
employee organization, contravention of Act by	670
formation of	669
Minister, witness, as	670
<i>School Boards and Teachers Collective Negotiations Act, 1975</i> , application of	669, 670
teachers, contracts	670
employment of	668, 669
<i>Teachers' Superannuation Act</i> , application of	669
PUBLIC HEALTH	
communicable disease, carrier, provision repealed	458
defined	453
houses, lodging	458
local boards, composition	454
medical officers of health, associate	454
microwave oven, commercial, defined	455
medical examination of person using	457
prohibition	456, 457
registration	455
defined	455
inspector, defined	455
order of	456
powers	456
regulations	457, 458
repairer	455, 457
pasteurization, defined	453
regulations, power of Minister to make	453, 454
PUBLIC LANDS	
agreement, by Minister, re private forest road	465
letters patent, habendum struck out	465, 466
road, public right of passage on	465

PUBLIC SERVICE SUPERANNUATION	PAGE
allowance, augmentation of	548
commencement of entitlement to	543-545
payment of	546
annuity, augmentation of	548
commencement of entitlement to	544
payment of	546
contributions, disabled contributor, re	545, 546
leave of absence, re	542, 543
refund of	545
contributor, Canada Pension Plan, to, not disqualified	541
interest, amounts paid for past service, re	542
payable under Act, increased	542
military service, establishment of credit for	547
payments, where spouse not entitled to or refuses	548
refund, estate of contributor, to	548
transfers, re clergymen who become chaplains in public service	547
Government related agencies	546, 547
widow, defined	541
widower, defined	541
 PUBLIC WORKS CREDITORS PAYMENT	
repeal of Act	375

Q

QUINN LUMBER & BUILDERS' SUPPLY COMPANY, LIMITED	
corporation revived	757

R

REGIONAL MUNICIPALITIES	
HALDIMAND-NORFOLK	
licensing by-laws, power of city councils to pass	389
NIAGARA	
annexation, part of Thorold to Welland	384
Regional Corporation, deemed city for <i>Anatomy Act, Mental Hospitals Act, Sanatoria for Consumptives Act, War Veterans Burial Act</i>	384
county for <i>Day Nurseries Act, General Welfare Assistance Act, Homemakers and Nurses Services Act</i>	384
Welland Parks and Recreation Board, dissolved	384
OTTAWA-CARLETON	
parks, power of Regional Council to establish	380
Regional Corporation, deemed county for <i>General Welfare Assistance Act, Homemakers and Nurses Services Act, Day Nurseries Act</i>	379, 380
transit services, how cost to be borne	377-379
waste disposal, powers re vested in Regional Corporation	381-383
PEEL	
annexation, part of Brampton to Mississauga	388
SUDBURY	
Capreol, composition of council	387

REGIONAL MUNICIPALITIES—*Continued*

PAGE

WATERLOO

- public health, health unit and board of health, dissolved 385
- powers of Regional Corporation re. 385-387

YORK

- lodging houses, power to license vested in Regional Council 385

REPRESENTATION

- Act, commencement of 104
 - former, repealed 104
 - special, overruled 104
- boundaries
 - changes in municipal 103
 - deemed to be as of March 10, 1975 103
 - municipal, on boundary lines 103
- electoral districts
 - division of Ontario into 103
 - municipalities in 104
 - one member per 103
 - schedule describing 105-125
- gores of townships 104
- members, number of 103

RETAIL SALES TAX

- appeals, actions in Supreme Court, become 61
- liens, property of vendors, on 60
- non-resident contractor, defined 61
- regulations, forms and records 61
 - matters required by Act 61
- tangible personal property, defined 55
- tax, assessment of 60
 - exemptions from 57-59
 - reduction of 55, 56
 - refund of 56
- Treasurer, defined 55
- vendor permits, production of 57
 - requirement for 56, 57
- vendors, compensation to 59, 60

ROYAL CANADIAN LEGION

- real property, sale or encumbrance of,
 - two-thirds majority vote required for 269

S

SARNIA (CITY)

- expropriated lands, declared vested in City 759
- redevelopment, agreement re, approval by Minister confirmed 759
 - plan, approval by OMB confirmed 759

SAULT STE. MARIE (CITY)

- parking, calculation of space requirements for 763

SCARBOROUGH (BOROUGH)

- swimming pools, apartment buildings, requiring lifeguards for 765

SCHOOL BOARDS AND TEACHERS COLLECTIVE NEGOTIATIONS

ACT

- application 512
- purpose 511

SCHOOL BOARDS AND TEACHERS COLLECTIVE

PAGE

NEGOTIATIONS—*Continued*

AFFILIATE

defined 509

AGREEMENT

alteration of terms and conditions 514, 515, 519
 binding effect 530
 conflict with Act or regulation 528
 contract of employment, part of 530
 copy of, to Commission 530
 defined 509
 enforcement of arbitration decision 529
 interpretation of terms 528, 529
 lock-out, provision for 529
 notice of, to Commission 530
 preparation and execution 524, 530
 strike, provision for 529
 term of operation 528

ARBITRATION

agreement by parties to refer to 515, 518, 519
 appointment of arbitrator or board of arbitration 519-521
 cost of 537
 decision of arbitrator or board of arbitration 523
 duty of arbitrator or board of arbitration 523
 execution of document 524
 notice to Commission 519, 520
 of matters agreed and matters in dispute 522
 powers of arbitrator or board of arbitration 522, 523
 procedure of arbitrator or board of arbitration 522
 vacancy in office 521
 withdrawal of party 520

ASSISTANCE

cost 537
 person assigned by Commission 515, 518

BOARD

defined 509, 510

BRANCH AFFILIATE

defined 510
 principal, member of 534
 representation of teachers 512
 statement as to officers 537
 vice-principal, member of 534
 votes 538

CLOSING OF SCHOOL

conditions for 535
 payment of teachers 536
 principal, duty of during 534
 vice-principal, duty of during 534

COMMISSION

acting chairman 530, 531
 annual report 532
 chairman and vice-chairman 530
 composition 530
 defined 510

SCHOOL BOARDS AND TEACHERS COLLECTIVE	PAGE
NEGOTIATIONS— <i>Continued</i>	
COMMISSION— <i>Continued</i>	
duties	532
employees	531
exercise of powers	531
notices by parties	536
professional assistance	531, 532
quorum	531
statistical information, compilation	532
term of office of members	531
testimony	533
vacancy in office	531
COUNCIL	
defined	510
FACT FINDER	
appointment	516
ceasing to act	517
duty	517
fees and expenses	537
notice of appointment	517
parties may request appointment	515
procedure	518
report	517, 518
termination of appointment	516
FEDERATION	
defined	510
FINAL OFFER SELECTION	
agreement by parties to refer to	515, 518, 519
appointment of selector	524, 525
cost of	537
decision of selector	527
execution of document	527
hearing	526, 527
notice by parties	524, 525
setting out final offer	525, 526
reply to final offer	526
statement by parties	524
withdrawal	524, 525
JUDICIAL REVIEW	
prohibition against	536, 537
LOCK-OUT	
conditions for	535
defined	510
payment of teachers	536
principal, duty of during	534
prohibited during arbitration or final offer selection	519
unlawful, calling of	534
declaration as to	534, 535
vice-principal, duty of during	534
MEMBER ASSOCIATION	
defined	510

SCHOOL BOARDS AND TEACHERS COLLECTIVE	PAGE
NEGOTIATIONS— <i>Continued</i>	
NEGOTIATIONS	
assistance.....	513, 514
boards acting jointly.....	512
branch affiliates acting jointly.....	512
meeting of parties.....	515
negotiating group.....	512
notice.....	514
subject matter.....	514
transitional provisions.....	513
NOTICE	
Commission, copy to.....	536
service.....	537
OFFENCES	
body.....	538, 539
consent to prosecute.....	538
information.....	538
person.....	538
ONTARIO LABOUR RELATIONS BOARD	
consent to prosecute.....	538
decision.....	539
practice and procedure.....	539
PARTY	
defined.....	510
PRINCIPAL	
defined.....	510
STRIKE	
defined.....	510, 511
payment of teachers.....	536
principal, duty of during.....	534
prohibited during arbitration or final offer selection.....	519
resumption.....	536
unlawful, calling of.....	534
declaration as to.....	534, 535
vice-principal, duty of during.....	534
TEACHER	
defined.....	511
payment during strike.....	536
termination of employment.....	536
withdrawal of voluntary service.....	536
VICE-PRINCIPAL	
defined.....	511
VOTE BY SECRET BALLOT	
branch affiliate.....	538
defined.....	511
WITNESSES	
compellability.....	539, 540
WRITTEN COLLECTIVE UNDERSTANDING	
alteration of terms and conditions.....	514, 515, 519
defined.....	511

	PAGE
SEAFORTH (TOWN)	
community centre, debentures authorized	767
SHERIDAN PLACE	
Sheridan Place, application of <i>Mortmain and Charitable Uses Act</i> to	771
investment of funds by	771
Widows' Home, assets of vested in	770
gifts to vested in	770, 771
liabilities of assumed by	770
management of vested in	770
Trustees of, powers terminated	771
ST. CATHARINES (CITY)	
St. Catharines Transit Commission, passenger transportation outside Ontario authorized	773
ST. MARGARET'S SCHOOL (ELORA)	
Board of Governors, composition of	775, 776
powers of	776
incorporation of	775
investments, power to make	777
property, right to acquire	776, 777
vested in school	777
STOCK YARDS	
Board, application of moneys received by	439
<i>Financial Administration Act</i> , application of, to reserve fund	440
reserve fund, establishment of	439
limitation on amount of	439
use of moneys in	439
SUCCESSION DUTY	
duty, exemption from	127, 128
forgivable, on farming assets	129
shares of business corporations	129-133
rates of	127, 128
SUPERANNUATION ADJUSTMENT BENEFITS	
Act, application of	672
costs of administration of	677
forms and procedures under	677
adjustment benefit, attachment of	676
calculation of	673, 674
commencement of	672
payable in respect of deferred annuities	674
payment of	674
Adjustment Fund, accounts in	675
audit of	675
custodian of	675
defined	671
establishment of	675
fiscal year of	675
interest credited to	676
moneys paid out of	675
adjustment ratio, determination of	672, 673
regulations re	676
contributions, elective service, re	674
employee	674
employer	674
return of	675
while qualified for income protection	674, 675

SUPERANNUATION ADJUSTMENT BENEFITS— <i>Continued</i>	PAGE
employer, benefits payable by	675, 676
contributions by	674
defined	671
Minister, defined	671
pension, amount of, payable to recipient	671, 672
defined	671
pension plans, application of Act to	672, 676
recipient, defined	671
payment of benefits to	675, 676
regulations, defined	671
review committee, composition of, regulations re	676
establishment of	676

T

TEACHERS' SUPERANNUATION

adoption of child, regulations re absence, etc., for	687, 688
Commission, fiscal year of	683
contract, definition of	683
deferred pension, commencement of	684
entitlement of person on dependant's allowance to	684
dependant's allowance, payment of	684-686
disability allowance, evidence of mental or physical condition	686
widower's entitlement to	687
duties as members of municipal council, regulations re absence, etc., for ..	687, 688
Fund, reinstatement in	686, 687
long term disability income protection plan Ontario Teachers' Federation, of	686
pensioners, re employment of	688
refund where annuity less than contributions	687
salary, defined	683
Superannuation Adjustment Fund	
deduction of employee contributions to	684
employer contributions to	684
teachers, employed by board or Ministry	683

TERRITORIAL DIVISION

Algoma (District)	397-403
Oxford (County)	397
Sudbury (District)	403-409
Thunder Bay (District)	409-411

THEATRES

approval of film	450
exhibit redefined	449
film exchange, defined	449
licensing of	450
redefined	449
inspector, powers of	450
offences	450, 451
projection equipment defined	449
projectionist, defined	450
licensing of	450
regulations, for approval of film	451
requiring proportion of films of Canadian origin	451

THOROLD (CITY)

city municipality, erection of Town of Thorold into	297
---	-----

TILE DRAINAGE	PAGE
debentures, not more than one per month to be issued.....	664
loans, lien re amount of.....	664
re drainage works in territory without municipal organization.....	664
repayment of, where land use changed.....	664
municipality, repayment by, to Treasurer of Ontario.....	664
Ontario Drainage Tribunal, appeal to.....	663
powers of, on appeal to.....	663
owner, discharge of indebtedness by.....	665
 TORONTO (CITY)	
Art Gallery of Ontario, payments to, obligation removed.....	787
buildings, agreements re restoration on Yonge St.....	780
drain connections, requirement that owners repair.....	787-789
executive committee, resignation, effect of, provision repealed.....	793
term of office on.....	793
highways, piping of heat under.....	780
housing accommodation, assisted program re.....	790
children, prohibition of discrimination re	
authorized.....	789, 790
density development agreements re.....	790
development, power of Corporation re.....	790, 791
legal costs, payment of by Corporation authorized.....	779
non-residential property standards, appeal, statement of grounds of.....	783
pension plan, transfers to authorized.....	780
residential property standards,	
appeal, statement of grounds of.....	781
order, appeal from.....	782
contents of.....	781
expenditures under.....	782
inspector by.....	781
lien.....	782, 783
power of entry under.....	781
rent, order re payment of.....	780
rooming houses, licensing, regulating and governing of.....	783-785
snow removal, walkways, at expense of Corporation authorized.....	787
 TRAINING SCHOOLS	
grounds for committal.....	259
 TRUSTEE	
limitation period for actions by executors, etc.....	315

W

WINDSOR (CITY)	
employees, widows and children of deceased, grant of pecuniary aid to	
authorized.....	795
group insurance, payment of cost of by Corporation authorized.....	795
 WORKMEN'S COMPENSATION	
claim or accident, penalty for default in reporting.....	396
clothing allowance, amount of.....	396
compensation, adjustment of rate.....	393
entitlement to.....	392
permanent disability, for.....	393, 394
total disability, for.....	395
temporary partial disability, for.....	395
total disability, for.....	395

WORKMEN'S COMPENSATION— <i>Continued</i>	PAGE
employee, defined.....	391
person may be deemed to be.....	392
expenses, for burial or cremation, payment for.....	392
medical officer, remuneration and expenses of.....	396
payments, increase in amount of.....	394, 396

Y

YORK (BOROUGH)	
drains, blockage by trees on highways, payment by Corporation of cost of clearing authorized.....	798
highways, leasing untravelled portions of in residential areas for parking.....	797
sick leave credit gratuities, provision of authorized.....	797, 798
trees, by-laws regulating destruction of authorized.....	798

TABLE OF PUBLIC STATUTES

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
A		
Abandoned Orchards Act.....	1	1971, c. 50, s. 1.
Absconding Debtors Act.....	2	
Absentees Act.....	3	
Accidental Fires Act.....	4	
Accumulations Act.....	5	
Administration of Courts Project Act.....	...	1975, c. 31.
Administration of Justice Act.....	6	1971, c. 8; 1973, c. 5.
Age Discrimination Act.....	7	1971, c. 50, s. 2; 1972, c. 119, s. 15, rep.
(<i>See now</i> The Ontario Human Rights Code)		
Age of Majority and Accountability Act.....	...	1971, c. 98; 1972, c. 95, s. 118; 1974, c. 63, s. 50 (3) and c. 109, s. 272, pars. 8, 20 and 27; 1975, c. 27, s. 9, par. 5, and c. 40, s. 60, par. 4.
Agricultural Associations Act.....	8	1971, c. 50, s. 3.
Agricultural Committees Act.....	9	
Agricultural Development Act.....	10	1971, c. 98, s. 4, Sched. par. 1; 1973, c. 32, rep.
Agricultural Development Finance Act.....	11	
Agricultural Rehabilitation and Development Act (Ontario).....	12	
Agricultural Representatives Act.....	13	1971, c. 45; 1973, c. 112.
Agricultural Research Institute of Ontario Act..	14	
Agricultural Societies Act.....	15	1971, c. 50, s. 4; 1974, c. 46.
Agricultural Tile Drainage Installation Act.....	...	1972, c. 38.
Air Pollution Control Act.....	16	1971, c. 86, s. 104, rep.
(<i>See now</i> Environmental Protection Act)		
Airports Act.....	17	
Alcoholism and Drug Addiction Research Founda- tion Act.....	18	
Algonquin Forestry Authority Act.....	...	1974, c. 99.
Aliens' Real Property Act.....	19	
Ambulance Act.....	20	1971, c. 50, s. 5; 1972, c. 93; 1975, c. 84.
Anatomy Act.....	21	
Animals for Research Act.....	22	1971, c. 50, s. 6.
Apportionment Act.....	23	
Apprenticeship and Tradesmen's Qualification Act	24	1971, c. 50, s. 7 and c. 98, s. 4, Sched. par. 2; 1972, c. 1, s. 13 and c. 113.
Arbitrations Act.....	25	1973, c. 28.
Archaeological and Historic Sites Protection Act.	26	1971, c. 50, s. 8; 1974, c. 122, s. 71, rep.
(<i>See now</i> Ontario Heritage Act)		
Architects Act.....	27	
Archives Act.....	28	1972, c. 1, s. 14.
Art Gallery of Ontario Act.....	29	1972, c. 72.
Artificial Insemination of Cattle Act.....	30	1971, c. 50, s. 9.
(<i>See now</i> Artificial Insemination of Live Stock Act)		
Artificial Insemination of Live Stock Act.....	30	1971, c. 50, s. 9; 1973, c. 119.
Arts Council Act.....	31	1972, c. 1, s. 15.
Assessment Act.....	32	1971, c. 79 and c. 98, s. 4, Sched. par. 3; 1972, c. 1, s. 89, c. 111, s. 14, c. 125 and c. 161; 1973, c. 26 and c. 148; 1974, c. 41.
Assessment Review Court Act.....	...	1972, c. 111; 1973, c. 107.
Assignment of Book Debts Act.....	33	1972, c. 1, s. 24.
Assignments and Preferences Act.....	34	
Athletics Control Act.....	35	
Audit Act.....	36	1971, c. 54.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
B		
Bail Act.....	37	
Bailiffs Act.....	38	1971, c. 50, s. 10; 1972, c. 1, s. 25.
Banting and Best Medical Research Repeal Act..	...	1973, c. 29.
Barristers Act.....	39	
Beach Protection Act.....	40	1971, c. 50, s. 11.
Beds of Navigable Waters Act.....	41	
Beef Cattle Marketing Act.....	42	1974, c. 43.
Bees Act.....	43	1971, c. 50, s. 12.
Bills of Sale Act.....	44	1972, c. 1, s. 26.
Bills of Sale and Chattel Mortgages Act.....	45	1972, c. 1, s. 27 and c. 22.
Blind Workmen's Compensation Act.....	46	
Boilers and Pressure Vessels Act.....	47	1972, c. 1, s. 28 and c. 31.
Boundaries Act.....	48	1971, c. 50, s. 13; 1972, c. 1, s. 29.
Bread Sales Act.....	49	
Bridges Act.....	50	
Brucellosis Act.....	51	
Building Code Act.....	...	1974, c. 74.
Bulk Sales Act.....	52	
Business Corporations Act.....	53	1971, c. 26 and c. 98, s. 4, Sched. par. 4; 1972, c. 1, s. 30 and c. 138; 1974, c. 26.
Business Practices Act.....	...	1974, c. 131.
Business Records Protection Act.....	54	
C		
Cancer Act.....	55	1972, c. 1, s. 78 and c. 34.
Cancer Remedies Act.....	56	
Cemeteries Act.....	57	1972, c. 1, s. 31.
Centennial Centre of Science and Technology Act	58	
Certification of Titles Act.....	59	1971, c. 50, s. 14; 1972, c. 1, s. 32; 1973, c. 12.
Change of Name Act.....	60	1971, c. 98, s. 4, Sched. par. 5; 1972, c. 44.
Charitable Gifts Act.....	61	1971, c. 50, s. 15.
Charitable Institutions Act.....	62	1971, c. 50, s. 16; 1972, c. 61; 1973, c. 24.
Charities Accounting Act.....	63	1971, c. 50, s. 17.
Child Welfare Act.....	64	1971, c. 98, s. 4, Sched. par. 6; 1972, c. 109; 1973, c. 75; 1975, c. 1.
Children's Boarding Homes Act.....	65	1971, c. 50, s. 18 and c. 91.
Children's Institutions Act.....	66	1971, c. 50, s. 19 and c. 98, s. 4, Sched. par. 7; 1972, c. 58.
Children's Maintenance Act.....	67	1971, c. 98, s. 18 (2).
Children's Mental Health Centres Act.....	68	1971, c. 50, s. 20.
Children's Mental Hospitals Act.....	69	
Chiropody Act.....	70	
Civil Rights Statute Law Amendment Act.....	...	1971, c. 50 and c. 91, s. 7; 1972, c. 119, s. 15 and c. 144, s. 1; 1973, c. 25, s. 40 and c. 47, s. 32 (4); 1974, c. 104, s. 8, c. 112, s. 67, par. 4 and c. 122, s. 71, par. 3.
Collection Agencies Act.....	71	1971, c. 50, s. 21; 1972, c. 1, s. 33; 1973, c. 9; 1974, c. 29.
Colleges Collective Bargaining Act.....	...	1975, c. 74.
Commissioners for taking Affidavits Act.....	72	1971, c. 98, s. 4, Sched. par. 8; 1973, c. 17.
Community Centres Act..... (See now Community Recreation Centres Act)	73	1972, c. 1, s. 20 and c. 157; 1974, c. 80, s. 13, rep.
Community Psychiatric Hospitals Act.....	74	
Community Recreation Centres Act.....	...	1974, c. 80.
Commuter Services Act.....	75	
Compensation for Victims of Crime Act.....	...	1971, c. 51; 1973, c. 34.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Conditional Sales Act	76	1972, c. 1, s. 34 and c. 23.
Condominium Act	77	1972, c. 7; 1973, c. 121; 1974, c. 133.
Conservation Authorities Act	78	1971, c. 64; 1972, c. 1, s. 84; 1973, c. 98.
Constitutional Questions Act	79	
Construction Hoists Act	80	
Construction Safety Act	81	1971, c. 50, s. 22; 1973, c. 47, sup.
Consumer Protection Act	82	1971, c. 24 and c. 50, s. 23; 1972, c. 1, s. 35 and c. 53.
Consumer Protection Bureau Act	83	1972, c. 1, s. 36; 1973, c. 8.
Consumer Reporting Act .....	...	1973, c. 97.
Controverted Elections Act	84	1971, c. 100, s. 11, rep.
(See now Election Act)		
Conveyancing and Law of Property Act	85	1973, c. 132.
Co-operative Corporations Act .....	...	1973, c. 101.
Co-operative Loans Act	86	1971, c. 50, s. 24; 1972, c. 1, s. 6.
Cornwall (City of) Annexation Act .....	...	1974, c. 11.
Coroners Act	87	1972, c. 1, s. 93 and c. 98, sup.; 1974, c. 103.
Corporation Securities Registration Act	88	1971 (2nd Sess.), c. 8.
Corporations Act	89	1971, c. 25 and c. 98, s. 4, Sched. par. 9; 1973, c. 104.
Corporations Information Act	90	1971, c. 27, sup.; 1972, c. 1, s. 37 and c. 139.
Corporations Tax Act	91	1971, c. 11 and c. 72; 1971 (2nd Sess.), c. 2; 1972, c. 143, sup.; 1973, c. 42 and c. 157; 1974, c. 75 and c. 108; 1975, c. 17.
Costs of Distress Act	92	
County Court Judges' Criminal Courts Act	93	
County Courts Act	94	1971, c. 60.
County Judges Act	95	1971, c. 4; 1972, c. 86; 1973, c. 136.
Credit Unions Act	96	1971, c. 98, s. 4, Sched. par. 10; 1972, c. 1, s. 38 and c. 172; 1974, c. 39.
Creditors' Relief Act	97	
Crop Insurance Act (Ontario)	98	1971, c. 28.
Crown Administration of Estates Act	99	
Crown Agency Act	100	
Crown Attorneys Act	101	1973, c. 3 and c. 134.
Crown Employees Collective Bargaining Act .....	...	1972, c. 67; 1974, c. 135.
Crown Timber Act	102	1971, c. 23; 1972, c. 4, s. 16 and c. 26.
Crown Witnesses Act	103	1971, c. 5; 1973, c. 4.
D		
Day Nurseries Act	104	1971, c. 50, s. 25 and c. 93; 1971 (2nd Sess.), c. 11; 1973, c. 77.
Dead Animal Disposal Act	105	1971, c. 50, s. 26; 1972, c. 60.
Debt Collectors Act	106	
Dental Technicians Act	107	
Dentistry Act	108	1972, c. 141; 1974, c. 35; 1974, c. 47, s. 44 (1), rep.
(See now Health Disciplines Act)		
Denture Therapists Act .....	...	1972, c. 163; 1974, c. 34, sup.
Department of Agriculture and Food Act	109	1972, c. 1, s. 5.
(See now Ministry of Agriculture and Food Act)		
Department of Colleges and Universities Act .....	...	1971, c. 66; 1972, c. 1, s. 12.
(See now Ministry of Colleges and Universities Act)		
Department of Correctional Services Act	110	1971, c. 50, s. 27; 1972, c. 1, s. 59.
(See now Ministry of Correctional Services Act)		

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Department of Education Act..... (<i>See now</i> Ministry of Education Act)	111	1971, c. 89; 1972, c. 1, s. 61.
Department of Energy and Resources Management Act..... (<i>See now</i> Department of the Environment Act)	112	1971, c. 63; 1972, c. 1, s. 68.
Department of the Environment Act..... (<i>See now</i> Ministry of the Environment Act)	112	1971, c. 63; 1972, c. 1, s. 67.
Department of Financial and Commercial Affairs Act..... (<i>See now</i> Ministry of Consumer and Commercial Relations Act)	113	1971, c. 50, s. 28; 1972, c. 1, s. 23.
Department of Health Act..... (<i>See now</i> Ministry of Health Act)	114	1972, c. 1, s. 77.
Department of Highways Act..... (<i>See now</i> Department of Transportation and Communications Act)	115	1971, c. 13, s. 11, rep.
Department of Justice Act..... (<i>See now</i> Ministry of the Attorney General Act)	116	1972, c. 1, s. 9.
Department of Labour Act..... (<i>See now</i> Ministry of Labour Act)	117	1971, c. 50, s. 29; 1972, c. 1, s. 82.
Department of Municipal Affairs Act..... (<i>See now</i> Ministry of Treasury, Economics and Intergovernmental Affairs Act and Munici- pal Affairs Act)	118	1972, c. 1, s. 104.
Department of Revenue Act..... (<i>See now</i> Ministry of Revenue Act)	119	1972, c. 1, s. 88.
Department of Social and Family Services Act.. (<i>See now</i> Ministry of Community and Social Services Act)	120	1971, c. 50, s. 30; 1972, c. 1, s. 19.
Department of the Provincial Secretary and Citizenship Act.....	121	1972, c. 1, s. 108, rep.
Department of Tourism and Information Act.... (<i>See now</i> Ministry of Industry and Tourism Act and Tourism Act)	122	1971, c. 50, s. 31; 1972, c. 1, s. 79.
Department of Trade and Development Act.... (<i>See now</i> Ministry of Industry and Tourism Act and Tourism Act)	123	1972, c. 5, s. 8, rep.
Department of Transport Act..... (<i>See now</i> Department of Transportation and Communications Act)	124	1971, c. 13, s. 11, rep.
Department of Transportation and Communica- tions Act..... (<i>See now</i> Ministry of Transportation and Communications Act)	...	1971, c. 13; 1972, c. 1, s. 100.
Department of University Affairs Act..... (<i>See now</i> Department of Colleges and Universities Act)	125	1971, c. 66, s. 8, rep.
Dependants' Relief Act.....	126	1973, c. 131.
Deposits Regulation Act.....	127	1971, c. 50, s. 32.
Deserted Wives' and Children's Maintenance Act	128	1971, c. 98, s. 18 (1); 1973, c. 133.
Development Corporations Act.....	...	1973, c. 84 and c. 125.
Developmental Services Act.....	...	1974, c. 2.
Devolution of Estates Act.....	129	1973, c. 18.
Disorderly Houses Act.....	130	
District Municipality of Muskoka Act.....	131	1971, c. 76; 1972, c. 52; 1973, c. 146 and c. 168, s. 14, par. 1; 1974, c. 119 and c. 128.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
District Welfare Administration Boards Act	132	1972, c. 1, s. 21 and c. 25; 1973, c. 144.
Dog Licensing and Live Stock and Poultry Protection Act	133	1971, c. 50, s. 33; 1972, c. 10; 1974, c. 94; 1975, c. 86.
Dog Tax and Live Stock and Poultry Protection Act (See now Dog Licensing and Live Stock and Poultry Protection Act)	133	1971, c. 50, s. 33; 1972, c. 10.
Dominion Courts Act	134	
Dower Act	135	1971, c. 98, s. 4, Sched. par. 11.
Drainage Act	136	1972, c. 1, s. 7; 1975, c. 79, sup.
Drugless Practitioners Act	137	
E		
Edible Oil Products Act	138	1971, c. 50, s. 34; 1972, c. 9.
Education Act . . . . .	...	1974, c. 109; 1975, c. 77.
Egress from Public Buildings Act	139	
Elderly Persons Centres Act	140	1971, c. 50, s. 35; 1972, c. 158; 1973, c. 145.
Elderly Persons' Housing Aid Act	141	1972, c. 1, s. 90.
Election Act	142	1971, c. 98, s. 4, Sched. par. 12 and c. 100; 1974, c. 82; 1975, c. 12, s. 55.
Election Finances Reform Act . . . . .	...	1975, c. 12; 1975, c. 83.
Elevator Constructor Unions Disputes Act . . . . .	...	1973, c. 1, s. 9, rep.
Elevators and Lifts Act	143	1972, c. 1, s. 39.
Embalmers and Funeral Directors Act	144	
Emergency Measures Act	145	1972, c. 1, s. 94.
Employment Agencies Act	146	1971, c. 50, s. 36.
Employment Standards Act	147	1971, c. 50, s. 37; 1972, c. 120; 1973, c. 172; 1974, c. 112, sup.
Endangered Species Act . . . . .	...	1971, c. 52.
Energy Act	148	1971, c. 44, sup.; 1972, c. 1, s. 40.
Environmental Assessment Act . . . . .	...	1975, c. 69.
Environmental Protection Act . . . . .	...	1971, c. 86; 1972, c. 1, s. 69 and c. 106; 1973, c. 94; 1974, c. 20 and c. 125; 1975, c. 70.
Escheats Act	149	
Estreats Act	150	
Evidence Act	151	
Execution Act	152	1974, c. 84.
Executive Council Act	153	1971 (2nd Sess.), c. 14; 1972, c. 1, s. 3; 1973, c. 150.
Expropriations Act	154	1971, c. 12; 1972, c. 1, s. 10 and c. 24; 1975, c. 19.
Extra-Judicial Services Act	155	1971 (2nd Sess.), c. 15, 1973, c. 82.
F		
Factors Act	156	
Family Benefits Act	157	1971, c. 50, s. 38 and c. 92; 1972, c. 151; 1974, c. 98.
Family Law Reform Act . . . . .	...	1975, c. 41.
Farm Loans Act	158	
Farm Loans Adjustment Act	159	
Farm Products Containers Act	160	
Farm Products Grades and Sales Act	161	
Farm Products Marketing Act	162	1971, c. 1 and c. 42; 1972, c. 156; 1975, c. 6.
Farm Products Payments Act	163	
Fatal Accidents Act	164	1973, c. 16; 1975, c. 38.
Ferries Act	165	

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Financial Administration Act.....	166	1971, c. 55; 1971 (2nd Sess.), c. 12, s. 9; 1972, c. 1, s. 105; 1973, c. 142; 1974, c. 15.
Fines and Forfeitures Act.....	167	
Fire Accidents Act.....	168	
Fire Departments Act.....	169	1972, c. 1, s. 95; 1974, c. 105.
Fire Fighters Exemption Act.....	170	1971, c. 50, s. 39.
Fire Guardians Act.....	171	
Fire Marshals Act.....	172	1972, c. 1, s. 96 and c. 150.
Fires Extinguishment Act.....	173	
Fish Inspection Act.....	174	1971, c. 19 and c. 50, s. 40.
Fisheries Loans Act.....	175	
Flag Act.....	176	
Floral Emblem Act.....	177	
Fluoridation Act.....	178	
Forest Fires Prevention Act.....	179	1971, c. 50, s. 41; 1973, c. 14; 1974, c. 22.
Forest Tree Pest Control Act.....	180	
Forestry Act.....	181	1971, c. 17 and c. 50, s. 42; 1975, c. 20.
Fort William Land Titles and Registry Office Repeal Act.....	...	1971, c. 58.
Fraudulent Conveyances Act.....	182	
Fraudulent Debtors Arrest Act.....	183	
Freshwater Fish Marketing Act (Ontario).....	184	
Fruits and Vegetables Produce-for-Processing Act	...	1974, c. 55.
Frustrated Contracts Act.....	185	
Fur Farms Act.....	...	1971, c. 29.
G		
Game and Fish Act.....	186	1971, c. 30; 1973, c. 108 and c. 174.
Gaming Act.....	187	
Gananoque Lands Act, (1961-62, c. 49.).....	...	1971, c. 18.
Gas and Oil Leases Act.....	188	
Gasoline Handling Act.....	189	1971, c. 50, s. 43; 1972, c. 1, s. 41; 1973, c. 115.
Gasoline Tax Act.....	190	1972, c. 13; 1973, c. 99, sup.; 1975, c. 11.
General Sessions Act.....	191	
General Welfare Assistance Act.....	192	1971, c. 50, s. 44; 1974, c. 96.
Gift Tax Act.....	...	1972, c. 12; 1973, c. 165; 1975, c. 15.
Gold Clauses Act.....	193	
Government Contracts Hours and Wages Act...	194	
Government Reorganization Act.....	...	1972, c. 1, c. 92, s. 14 and c. 98, s. 48; 1973, c. 2, s. 18, c. 25, s. 40 and c. 152, s. 32 (2); 1974, c. 48, s. 21, c. 80, s. 13, par. 3, c. 104, s. 8 and c. 109, s. 272, pars. 3, 13, 21 and 28.
Government Services Act.....	393	1972, c. 1, s. 74; 1973, c. 2, sup.
(See now Ministry of Government Services Act)		
Grain Elevator Storage Act.....	195	1973, c. 88.
Guarantee Companies Securities Act.....	196	
H		
Habeas Corpus Act.....	197	
Haliburton Act.....	198	
Hamilton (City of) Act.....	...	1975, c. 51.
Health Disciplines Act.....	...	1974, c. 47; 1975, c. 63.
Health Insurance Act.....	...	1972, c. 91; 1974, c. 60 and c. 86; 1975, c. 52.
Health Insurance Registration Board Act.....	199	1975, c. 62, rep.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Health Services Insurance Act (<i>See now</i> Health Insurance Act)	200	1971, c. 85; 1971 (2nd Sess.), c. 6; 1972, c. 91, s. 53, rep.
Highway Improvement Act (<i>See now</i> Public Transportation and Highway Improvement Act)	201	1971, c. 61.
Highway Traffic Act	202	1972, c. 128; 1973, c. 45 and c. 167; 1974, c. 66, c. 123 and c. 130; 1975, c. 3, c. 37, c. 64 and c. 78.
Historical Parks Act . . . . .	...	1972, c. 6.
Homemakers and Nurses Services Act	203	1973, c. 143.
Homes for Retarded Persons Act	204	1971, c. 50, s. 45; 1973, c. 76.
Homes for Special Care Act	205	
Homes for the Aged and Rest Homes Act	206	1971, c. 50, s. 46, c. 98, s. 4, Sched. par. 13 and c. 99; 1972, c. 1, s. 22, c. 62 and c. 148; 1973, c. 27.
Horticultural Societies Act	207	1971, c. 50, s. 47; 1975, c. 36.
Hospital Labour Disputes Arbitration Act	208	1972, c. 152.
Hospital Services Commission Act (<i>See now</i> Health Insurance Act)	209	1971 (2nd Sess.), c. 7; 1972, c. 91, s. 53, rep.
Hospitals and Charitable Institutions Inquiries Act	210	1971, c. 50, s. 48.
Hotel Fire Safety Act	211	1971, c. 41, sup.
Hotel Registration of Guests Act	212	
Housing Development Act	213	1972, c. 129; 1974, c. 31.
Human Tissue Act (<i>See now</i> Human Tissue Gift Act)	214	1971, c. 83, s. 16, rep.
Human Tissue Gift Act . . . . .	...	1971, c. 83.
Hunter Damage Compensation Act	215	1973, c. 111.
Hypnosis Act	216	
I		
Income Tax Act	217	1971, c. 22; 1971 (2nd Sess.), c. 1; 1972, c. 1, s. 106, c. 100 and c. 146; 1973, c. 21 and c. 153; 1974, c. 91; 1975, c. 16.
Indian Welfare Services Act	218	1975, c. 18, s. 5.
Industrial and Mining Lands Compensation Act	219	
Industrial Safety Act	220	1971, c. 43, sup.; 1972, c. 122; 1974, c. 104.
Industrial Standards Act	221	1971, c. 50, s. 49.
Infants Act	222	1971, c. 98, s. 4, Sched. par. 14 and ss. 16, 18 (3).
Innkeepers Act	223	
Insurance Act	224	1971, c. 84; 1972, c. 1, s. 42 and c. 66; 1973, c. 124; 1975, c. 41, s. 5 and c. 88.
Interpretation Act	225	
Investment Contracts Act	226	
J		
Judges' Orders Enforcement Act	227	
Judicature Act	228	1971, c. 57; 1972, c. 48 and c. 159; 1974, c. 81; 1975, c. 30.
Judicial Review Procedure Act . . . . .	...	1971, c. 48.
Junior Farmer Establishment Act	229	1971, c. 98, s. 4, Sched. par 15.
Juries Act . . . . .	...	1974, c. 63; 1975, c. 25.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Jurors Act..... (<i>See now</i> Juries Act)	230	1971, c. 9 and c. 98, s. 4, Sched. par. 16; 1972, c. 112 and c. 170; 1973, c. 81; 1974, c. 63, s. 50 (1), rep.
Justices of the Peace Act.....	231	1971, c. 6; 1973, c. 149.
K		
Kincardine (Town of) Act.....	...	1972, c. 115.
L		
Labour Relations Act.....	232	1975, c. 76.
Lakehead (City of) Act (1968-69, c. 56)..... (<i>See now</i> City of Thunder Bay Act)	...	1970, c. 125; 1972, c. 36; 1974, c. 45.
Lakes and Rivers Improvement Act.....	233	1971, c. 50, s. 50.
Land Speculation Tax Act.....	...	1974, c. 17; 1974, c. 107 and c. 121.
Land Titles Act.....	234	1972, c. 1, s. 43 and c. 132; 1973, c. 39.
Land Transfer Tax Act.....	235	1972, c. 15; 1974, c. 8, sup.; 1974, c. 16 and c. 93.
Landlord and Tenant Act.....	236	1972, c. 123.
Law Enforcement Compensation Act..... (<i>See now</i> Compensation for Victims of Crime Act)	237	1971, c. 51, s. 30, rep.
Law Society Act.....	238	1973, c. 49.
Legal Aid Act.....	239	1973, c. 50.
Legislative Assembly Act.....	240	1971, c. 98, s. 4, Sched. par. 17 and c. 101; 1972, c. 1, s. 4 and c. 131; 1973, c. 151; 1974, c. 72 and c. 116.
Legislative Assembly Retirement Allowances Act	241	1972, c. 1, s. 75; 1973, c. 152, sup.; 1975, c. 89.
Legitimacy Act.....	242	
Libel and Slander Act.....	243	
Lieutenant Governor Act.....	244	
Lightning Rods Act.....	245	1971, c. 50, s. 51.
Limitations Act.....	246	
Limited Partnerships Act.....	247	1973, c. 6.
Line Fences Act.....	248	
Liquor Control Act.....	249	1971, c. 36, c. 88 and c. 98, s. 4, Sched. par. 18; 1973, c. 69; 1975, c. 27, sup.
Liquor Licence Act.....	250	1971, c. 35 and c. 98, s. 4, Sched. par. 19; 1973, c. 68; 1975, c. 40, sup.
Live Stock and Live Stock Products Act.....	251	1971, c. 50, s. 52.
Live Stock Branding Act.....	252	
Live Stock Community Sales Act.....	253	1971, c. 50, s. 53.
Live Stock Medicines Act.....	...	1973, c. 80.
Loan and Trust Corporations Act.....	254	1971, c. 98, s. 4, Sched. par. 20; 1972, c. 101; 1973, c. 128; 1974, c. 88.
Local Improvement Act.....	255	1972, c. 47.
Local Roads Boards Act.....	256	1971, c. 98, s. 4, Sched. par. 21.
Loggers' Safety Act..... (<i>See now</i> Industrial Safety Act)	257	1971, c. 50, s. 54; 1972, c. 1, s. 83; 1974, c. 104, s. 8, rep.
Logging Tax Act.....	258	1972, c. 19, s. 1, rep.
Lord's Day (Ontario) Act.....	259	1974, c. 68.
M		
Management Board of Cabinet Act.....	...	1971 (2nd Sess.), c. 12; 1972, c. 97.
Marine Insurance Act.....	260	1972, c. 40.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Marriage Act.....	261	1971, c. 50, s. 55; 1972, c. 1, s. 44 and c. 32.
Married Women's Property Act.....	262	1975, c. 41, s. 6.
Master and Fellows of Massey College Act (1960-61, c. 53).....	...	1974, c. 13.
Master and Servant Act.....	263	
Maternity Boarding Houses Act.....	264	1971, c. 71, s. 1, rep.
Matrimonial Causes Act.....	265	1971, c. 98, s. 18 (4); 1972, c. 50.
McMichael Canadian Collection Act.....	...	1972, c. 134.
Meat Inspection Act (Ontario).....	266	1971, c. 50, s. 56; 1972, c. 81.
Mechanics' Lien Act.....	267	1975, c. 43.
Medical Act.....	268	1973, c. 129; 1974, c. 47, s. 68 (1), rep.
(See now Health Disciplines Act)		
Mental Health Act.....	269	
Mental Hospitals Act.....	270	1971, c. 50, s. 57.
Mental Incompetency Act.....	271	
Mercantile Law Amendment Act.....	272	
Milk Act.....	273	1972, c. 155 and c. 162; 1974, c. 18 and c. 62.
Mineral Emblem Act.....	...	1975, c. 59.
Mining Act.....	274	1971, c. 50, s. 58, c. 98, s. 4, Sched. par. 22 and c. 102; 1972, c. 4, s. 17 and c. 116; 1973, c. 106.
Mining Tax Act.....	275	1971, c. 14; 1972, c. 140, sup.; 1974, c. 132.
Ministry of Agriculture and Food Act.....	109	1972, c. 1, s. 5, c. 82 and c. 135.
Ministry of the Attorney General Act.....	116	1972, c. 1, s. 9.
Ministry of Colleges and Universities Act.....	...	1971, c. 66; 1972, c. 1, s. 12 and c. 114; 1973, c. 86; 1974, c. 79; 1975, c. 29 and c. 75.
Ministry of Community and Social Services Act.	120	1971, c. 50, s. 30; 1972, c. 1, s. 19, c. 56 and c. 149; 1973, c. 41; 1974, c. 95; 1975, c. 18, s. 4 and c. 26.
Ministry of Consumer and Commercial Relations Act.....	113	1971, c. 50, s. 28; 1972, c. 1, s. 23; 1973, c. 95.
Ministry of Correctional Services Act.....	110	1971, c. 50, s. 27; 1972, c. 1, s. 59.
Ministry of Culture and Recreation Act.....	...	1974, c. 120; 1975, c. 18.
Ministry of Education Act.....	111	1971, c. 89; 1972, c. 1, s. 61 and c. 73; 1973, c. 44; 1974, c. 109, s. 272, rep.
(See now Education Act)		
Ministry of Energy Act.....	...	1973, c. 56.
Ministry of the Environment Act.....	112	1971, c. 63; 1972, c. 1, s. 67.
Ministry of Government Services Act.....	...	1973, c. 2; 1974, c. 36.
Ministry of Health Act.....	114	1972, c. 1, s. 77 and c. 35; 1972, c. 92, sup.; 1975, c. 53.
Ministry of Housing Act.....	...	1973, c. 100; 1974, c. 14.
Ministry of Industry and Tourism Act.....	...	1972, c. 5.
Ministry of Labour Act.....	117	1971, c. 50, s. 29; 1972, c. 1, s. 82; 1973, c. 47, s. 32 (3).
Ministry of Natural Resources Act.....	...	1972, c. 4; 1973, c. 105.
Ministry of Revenue Act.....	119	1972, c. 1, s. 88.
Ministry of the Solicitor General Act.....	...	1972, c. 2.
Ministry of Transportation and Communications Act.....	...	1971, c. 13; 1972, c. 1, s. 100.
Ministry of Transportation and Communications Creditors Payment Act.....	...	1975, c. 44.
Ministry of Treasury, Economics and Intergovernmental Affairs Act.....	...	1972, c. 3; 1973, c. 33 and c. 169.
Minors' Protection Act.....	276	
Moosonee Development Area Board Act.....	277	1974, c. 76.
Mortgage Brokers Act.....	278	1971, c. 50, s. 59; 1972, c. 1, s. 45; 1973, c. 103; 1974, c. 28; 1975, c. 28.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Mortgages Act	279	
Mortmain and Charitable Uses Act	280	1972, c. 85.
Motor Vehicle Accident Claims Act	281	1972, c. 1, s. 46; 1973, c. 13.
Motor Vehicle Dealers Act	475	1971, c. 21 and c. 50, s. 85; 1972, c. 1, s. 47.
Motor Vehicle Fuel Tax Act	282	1972, c. 14 and c. 147; 1975, c. 10.
Motorized Snow Vehicles Act	283	1974, c. 113, sup.
Municipal Act	284	1971, c. 81 and c. 98, s. 4, Sched. par. 23; 1972, c. 121, c. 124 and c. 169; 1973, c. 83 and c. 175; 1974, c. 3, c. 85 and c. 136; 1975, c. 8 and c. 56.
Municipal Affairs Act	118	1972, c. 1, s. 104 and c. 46; 1974, c. 111.
Municipal and School Tax Credit Assistance Act	285	
Municipal Arbitrations Act	286	
Municipal Conflict of Interest Act . . . . .	...	1972, c. 142.
Municipal Corporations Quieting Orders Act	287	
Municipal Elderly Resident's Assistance Act . . . . .	...	1973, c. 154; 1975, c. 35.
Municipal Elections Act . . . . .	...	1972, c. 95; 1974, c. 32; 1975, c. 23.
Municipal Franchise Extension Act (See now Municipal Elections Act)	288	1971, c. 98, s. 4, Sched. par. 24; 1972, c. 95, s. 118, rep.
Municipal Franchises Act	289	1974, c. 59.
Municipal Health Services Act	290	1971, c. 98, s. 17.
Municipal Subsidies Adjustment Act	291	
Municipal Tax Assistance Act	292	1975, c. 33.
Municipal Unconditional Grants Act (See now Ontario Unconditional Grants Act)	293	1972, c. 63 and c. 165; 1973, c. 63 and c. 170; 1974, c. 25, sup.; 1974, c. 127; 1975, c. 7, s. 2(1), rep.
Municipal Unemployment Relief Act . . . . .	...	1971 (2nd Sess.), c. 4.
Municipal Works Assistance Act	294	
Municipality of Metropolitan Toronto Act	295	1971, c. 7 and c. 80; 1972, c. 54, c. 89 and c. 168; 1973, c. 48 and c. 171; 1974, c. 42 and c. 114; 1975, c. 22 and c. 50.
N		
Negligence Act	296	1975, c. 41, s. 7.
Niagara Escarpment Planning and Development Act . . . . .	...	1973, c. 52; 1974, c. 52; 1975, c. 68.
Niagara Escarpment Protection Act (See now Pits and Quarries Control Act)	297	1971, c. 96, s. 21, rep.
Niagara Parks Act	298	1971, c. 97; 1972, c. 1, s. 85.
North Pickering Development Corporation Act . . . . .	...	1974, c. 124.
Northern Development Repeal Act . . . . .	...	1973, c. 31.
Northern Ontario Development Corporation Act (See now Development Corporations Act)	299	1971, c. 87; 1972, c. 1, s. 80 and c. 69; 1973, c. 84, s. 27 (2), rep.
Notaries Act	300	
Nurses Act (See now Health Disciplines Act)	301	1973, c. 30; 1974, c. 47, s. 90 (1), rep.
Nursing Homes Act	302	1971, c. 34; 1972, c. 11, sup.; 1973, c. 38.
O		
Official Notices Publication Act	303	
Oleomargarine Act	304	1971, c. 50, s. 60.
Ombudsman Act . . . . .	...	1975, c. 42.
One Day's Rest in Seven Act	305	
Ontario Agricultural Museum Act	306	1975, c. 58, sup.
Ontario Credit Union League Limited Act . . . . .	...	1972, c. 42.
Ontario Deposit Insurance Corporation Act	307	1972, c. 1, s. 48.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Ontario Development Corporation Act (<i>See now</i> Development Corporations Act)	308	1971, c. 67; 1972, c. 1, s. 81 and c. 68; 1973, c. 84, s. 27 (1), rep.
Ontario Economic Council Act	309	
Ontario Education Capital Aid Corporation Act	310	1973, c. 64.
Ontario Educational Communications Authority Act	311	1972, c. 1, s. 16; 1974, c. 12.
Ontario Energy Board Act	312	1973, c. 55.
Ontario Energy Corporation Act . . . . .	...	1974, c. 101.
Ontario Food Terminal Act	313	1971, c. 50, s. 61; 1972, c. 1, s. 8.
Ontario Geographic Names Board Act	314	
Ontario Guaranteed Annual Income Act . . . . .	...	1974, c. 58.
Ontario Health Insurance Organization (<i>See now</i> Health Insurance Act)	...	1971 (2nd Sess.), c. 5; 1972, c. 91, s. 53, rep.
Ontario Heritage Act . . . . .	...	1974, c. 122; 1975, c. 87.
Ontario Heritage Foundation Act (<i>See now</i> Ontario Heritage Act)	315	1974, c. 122, s. 71, rep.
Ontario Highway Transport Board Act	316	1971, c. 50, s. 62; 1972, c. 1, s. 101.
Ontario Home Buyers Grant Act . . . . .	...	1975, c. 4.
Ontario Housing Corporation Act	317	
Ontario Human Rights Code	318	1971, c. 50, s. 63; 1972, c. 119; 1974, c. 73.
Ontario Institute for Studies in Education Act	319	1972, c. 55.
Ontario Labour-Management Arbitration Commission Act	320	
Ontario Land Corporation Act . . . . .	...	1974, c. 134.
Ontario Law Reform Commission Act	321	
Ontario Loan Act . . . . .	...	1975, c. 5.
Ontario Lottery Corporation Act . . . . .	...	1974, c. 126.
Ontario Mental Health Foundation Act	322	
Ontario Municipal Board Act	323	1972, c. 1, s. 11 and c. 110.
Ontario Municipal Employees Retirement System Act	324	1972, c. 102; 1973, c. 159; 1974, c. 102; 1975, c. 34.
Ontario Municipal Improvement Corporation Act	325	1974, c. 77.
Ontario Northland Transportation Commission Act	326	
Ontario Parks Integration Board Act	327	1972, c. 4, s. 18, rep.
Ontario Pensioners Assistance Act . . . . .	...	1973, c. 122; 1974, c. 78, rep.
Ontario Place Corporation Act . . . . .	...	1972, c. 33; 1973, c. 40.
Ontario Planning and Development Act . . . . .	...	1973, c. 51; 1974, c. 50.
Ontario Producers, Processors, Distributors and Consumers Food Council Act	328	
Ontario School Trustees' Council Act	329	1974, c. 65.
Ontario Telephone Development Corporation Act	330	1972, c. 1, s. 102.
Ontario Transportation Development Corporation Act . . . . .	...	1973, c. 66; 1975, c. 55.
Ontario Unconditional Grants Act . . . . .	...	1975, c. 7.
Ontario Universities Capital Aid Corporation Act	331	1971, c. 39; 1973, c. 65; 1974, c. 92.
Ontario Water Resources Act	332	1972, c. 1, s. 70; 1973, c. 90; 1974, c. 19; 1975, c. 71.
Ontario Water Resources Commission Act (<i>See now</i> Ontario Water Resources Act)	332	1972, c. 1, s. 70.
Operating Engineers Act	333	1971, c. 50, s. 64; 1972, c. 1, s. 49 and c. 41.
Ophthalmic Dispensers Act	334	
Optometry Act (<i>See now</i> Health Disciplines Act)	335	1974, c. 47, s. 115 (1), rep.
Osgoode Hall Law School Scholarships Act (1968-69, c. 90) . . . . .	...	1972, c. 70; 1973, c. 140.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Ottawa-Carleton Amalgamations and Elections Act. ....	...	1973, c. 93.
Oxford (County of) Act. ....	...	1974, c. 57; 1974, c. 118 and c. 129; 1975, c. 49.
P		
Paperback and Periodical Distributors Act. ....	...	1971, c. 82; 1972, c. 1, s. 50; 1974, c. 27.
Parents' Maintenance Act.	336	
Parks Assistance Act.	337	1972, c. 1, s. 86.
Parkway Belt Planning and Development Act. ....	...	1973, c. 53; 1974, c. 51.
Partition Act.	338	
Partnerships Act.	339	
Partnerships Registration Act.	340	1971, c. 98, s. 4, Sched. par. 25; 1972, c. 1, s. 51; 1973, c. 7.
Pawnbrokers Act.	341	1971, c. 50, s. 65.
Pension Benefits Act.	342	1973, c. 113.
Perpetuities Act.	343	
Personal Property Security Act.	344	1972, c. 1, s. 52; 1973, c. 102.
Personation Act.	345	1971, c. 100, s. 11, rep.
(See now Election Act)		
Pesticides Act.	346	1971, c. 50, s. 66; 1972, c. 1, s. 71; 1973, c. 25, sup.; 1974, c. 21.
Petroleum Products Price Freeze Act. ....	...	1975, c. 66.
Petroleum Resources Act. ....	...	1971, c. 94.
Petty Trespass Act.	347	
Pharmacy Act.	348	1972, c. 99; 1973, c. 126; 1974, c. 47, s. 168 (1), rep.
(See now Health Disciplines Act)		
Pits and Quarries Control Act. ....	...	1971, c. 96.
Planning Act.	349	1971, c. 2; 1972, c. 118; 1973, c. 168; 1974, c. 53.
Plant Diseases Act.	350	1971, c. 50, s. 67.
Point Edward (Village of) Act (1970, c. 67). ....	...	1972, c. 87, sup.
Police Act.	351	1972, c. 1, s. 97 and c. 103; 1974, c. 106.
Policy and Priorities Board of Cabinet Act. ....	...	1971 (2nd Sess.), c. 13.
Pollution Abatement Incentive Act.	352	1972, c. 1, s. 72; 1975, c. 2.
Port Colborne (City of) Act. ....	...	1974, c. 49.
Pounds Act.	353	1975, c. 67.
Power Commission Act.	354	1972, c. 1, s. 73; 1973, c. 57.
(See now Power Corporation Act)		
Power Commission Insurance Act.	355	1973, c. 59.
(See now Power Corporation Insurance Act)		
Power Control Act.	356	1973, c. 58, rep.
Power Corporation Act.	354	1972, c. 1, s. 73; 1973, c. 57.
Power Corporation Insurance Act.	355	1973, c. 59.
Powers of Attorney Act.	357	
Prearranged Funeral Services Act.	358	
Pregnant Mare Urine Farms Act.	359	1971, c. 50, s. 68; 1975, c. 54.
Prepaid Hospital and Medical Services Act.	360	
Private Hospitals Act.	361	1973, c. 123.
Private Investigators and Security Guards Act.	362	1972, c. 1, s. 98.
Private Sanitaria Act.	363	
Private Vocational Schools Act. ....	...	1974, c. 48.
Probation Act.	364	1972, c. 1, s. 60.
Proceedings Against the Crown Act.	365	1973, c. 10.
Professional Engineers Act.	366	1972, c. 45.
Property and Civil Rights Act.	367	
Property Tax Stabilization Act. ....	...	1973, c. 73; 1974, c. 23; 1975, c. 7, s. 2 (1), rep.
(See now Ontario Unconditional Grants Act)		

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Protection of Cattle Act (<i>R.S.O. 1950, c. 294</i>) . . .	...	1973, c. 110.
Provincial Auctioneers Act	368	1971, c. 50, s. 69.
Provincial Courts Act	369	
Provincial Land Tax Act	370	1971, c. 50, s. 70; 1972, c. 1, s. 91; 1973, c. 135.
Provincial Parks Act	371	1971, c. 16; 1972, c. 1, s. 87 and c. 27.
Provincial Parks Municipal Tax Assistance Act . .	...	1971, c. 78; 1974, c. 110, sup.
Provincial Schools Negotiations Act . . . . .	...	1975, c. 81.
Psychologists Registration Act	372	
Public Accountancy Act	373	
Public Authorities Protection Act	374	
Public Commercial Vehicles Act	375	1971, c. 50, s. 71; 1973, c. 166.
Public Halls Act	376	1971, c. 50, s. 72.
Public Health Act	377	1971, c. 95; 1972, c. 80; 1973, c. 130; 1974, c. 61 and c. 87; 1975, c. 61.
Public Hospitals Act	378	1972, c. 90; 1973, c. 164.
Public Inquiries Act	379	1971, c. 49, sup.
Public Institutions Inspection Act . . . . .	...	1974, c. 64.
Public Lands Act	380	1971, c. 46; 1972, c. 4, s. 19 and c. 29; 1975, c. 65.
Public Libraries Act	381	1971, c. 98, s. 4, Sched. par. 26; 1972, c. 1, s. 17; 1973, c. 141.
Public Officers Act	382	
Public Officers' Fees Act	383	1972, c. 108.
Public Parks Act	384	1972, c. 166.
Public Schools Act (<i>See now</i> Education Act)	385	1971 c. 69 and c. 98, s. 4, Sched. par. 27; 1972, c. 74; 1973, c. 37; 1974, c. 109, s. 272, rep.
Public Service Act	386	1972, c. 1, s. 107 and c. 96; 1973, c. 85.
Public Service Superannuation Act	387	1971, c. 40; 1971 (2nd Sess.), c. 10; 1972, c. 1, s. 76; 1974, c. 37; 1975, c. 73.
Public Service Works on Highways Act	388	
Public Transportation and Highway Improvement Act	201	1971, c. 61; 1973, c. 20 and c. 67; 1974, c. 100.
Public Trustee Act	389	1971, c. 50, s. 73.
Public Utilities Act	390	
Public Utilities Corporations Act	391	
Public Vehicles Act	392	1971, c. 50, s. 74; 1972, c. 127.
Public Works Act (<i>See now</i> Government Services Act)	393	1972, c. 1, s. 74.
Public Works Creditors Payment Act	394	1975, c. 45, rep.
Public Works Protection Act	395	1972, c. 1, s. 99.
Pyramidic Sales Act . . . . .	...	1972, c. 57.
Q		
Quieting Titles Act	396	1972, c. 49.
R		
Race Tracks Tax Act	397	1972, c. 20.
Racing Commission Act	398	1973, c. 116.
Radiological Technicians Act	399	
Railway Fire Charge Act	400	1971, c. 50, s. 75; 1972, c. 1, s. 92.
Real Estate and Business Brokers Act	401	1971, c. 50, s. 76; 1972, c. 1, s. 53.
Reciprocal Enforcement of Judgments Act	402	
Reciprocal Enforcement of Maintenance Order- Act	403	

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Regional Development Councils Act.....	404	1973, c. 72, rep.
Regional Municipal Grants Act..... (See now Ontario Unconditional Grants Act)	405	1971, c. 73; 1972, c. 64; 1973, c. 62 and c. 160; 1974, c. 24; 1975, c. 7, s. 2 (1), rep.
Regional Municipalities Amendment Act.....	...	1974, c. 5; 1974, c. 117; 1975, c. 46.
Regional Municipality of Durham Act.....	...	1973, c. 78, c. 147, c. 168, s. 14, par. 10 and c. 176; 1974, c. 5, s. 6 and c. 117, ss. 50 to 54.
Regional Municipality of Haldimand-Norfolk Act	...	1973, c. 96 and c. 155; 1974, c. 5, s. 7, c. 10 and c. 117, ss. 55 to 59; 1975, c. 46, s. 14.
Regional Municipality of Halton Act.....	...	1973, c. 70, c. 162 and c. 168, s. 14, par. 8; 1974, c. 5, s. 4 and c. 117, ss. 40 to 44.
Regional Municipality of Hamilton-Wentworth Act.....	...	1973, c. 74, c. 163 and c. 168, s. 14, par. 9; 1974, c. 5, s. 5 and c. 117, ss. 45 to 49.
Regional Municipality of Niagara Act.....	406	1971, c. 77; 1972, c. 51; 1973, c. 54, c. 158 and c. 168, s. 14, par. 2; 1974, c. 30 and c. 117, ss. 7 to 12; 1975, c. 46, ss. 7 to 9.
Regional Municipality of Ottawa-Carleton Act..	407	1971, c. 74; 1972, c. 126; 1973, c. 71, c. 138 and c. 168, s. 14, par. 3; 1974, c. 5, s. 1, c. 67 and c. 117, ss. 1 to 6; 1975, c. 46, ss. 1 to 6.
Regional Municipality of Peel Act.....	...	1973, c. 60, c. 161 and c. 168, s. 14, par. 7; 1974, c. 5, s. 3 and c. 117, ss. 34 to 39; 1975, c. 46, s. 13.
Regional Municipality of Sudbury Act.....	...	1972, c. 104 and c. 167; 1973, c. 139 and c. 168, s. 14, par. 5; 1974, c. 54 and c. 117, ss. 26 to 33; 1975, c. 46, s. 12.
Regional Municipality of Waterloo Act.....	...	1972, c. 105 and c. 164; 1973, c. 137 and c. 168, s. 14, par. 6; 1974, c. 5, s. 2, c. 44 and c. 117, ss. 20 to 25; 1975, c. 46, s. 11.
Regional Municipality of York Act.....	408	1971, c. 75; 1972, c. 78 and c. 153; 1973, c. 156 and c. 168, s. 14, par. 4; 1974, c. 117, ss. 13 to 19; 1975, c. 46, s. 10.
Registry Act.....	409	1971, c. 50, s. 77 and c. 98, s. 4, Sched. par. 28; 1972, c. 1, s. 54 and c. 133; 1973, c. 120.
Regulations Act.....	410	
Religious Institutions Act.....	411	
Replevin Act.....	412	
Representation Act.....	413	1975, c. 13, sup.
Residential Property Tax Reduction Act.....	414	1972, c. 65, sup.; 1973, c. 61, ss. 1, 2; 1973, c. 61, s. 3, rep.
Retail Sales Tax Act.....	415	1972, c. 21; 1973, c. 23; 1974, c. 7; 1975, c. 9.
Revised Regulations Confirmation Act.....	...	1972, c. 84.
Revised Statutes Confirmation Act.....	...	1972, c. 83.
Riding Horse Establishments Act.....	...	1972, c. 59.
Rights of Labour Act.....	416	
Royal Canadian Legion Act.....	...	1975, c. 24.
Royal Ontario Museum Act.....	417	
Rural Housing Assistance Act.....	418	
Rural Hydro-Electric Distribution Act.....	419	
Rural Power District Loans Act.....	420	
Ryerson Polytechnical Institute Act (1962-63, c. 128).....	...	1971, c. 65.
S		
Sale of Goods Act.....	421	
Sanatoria for Consumptives Act.....	422	1972, c. 94.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
School Boards and Teachers Collective Negotiations Act.....	...	1975, c. 72.
School Trust Conveyances Act.....	423	
Schools Administration Act..... (<i>See now</i> Education Act)	424	1971, c. 90; 1972, c. 1, s. 62, c. 77 and c. 160; 1973, c. 92 and c. 118; 1974, c. 109, s. 272, rep.
Secondary Schools and Boards of Education Act. (<i>See now</i> Education Act)	425	1971, c. 68 and c. 98, s. 4, Sched. par. 29; 1972, c. 1, s. 63, c. 75 and c. 136; 1973, c. 91; 1974, c. 109, s. 272, rep.
Securities Act.....	426	1971, c. 31; 1972, c. 1, s. 55; 1973, c. 11.
Security Transfer Tax Act.....	427	1972, c. 18; 1973, c. 43, rep.
Seduction Act.....	428	1971, c. 98, s. 4, Sched. par. 30.
Seed Potatoes Act.....	429	
Separate Schools Act..... (<i>See now</i> Education Act)	430	1971, c. 70 and c. 98, s. 4, Sched. par. 31; 1972, c. 1, s. 64, c. 76 and c. 137; 1973, c. 117; 1974, c. 109, s. 272, rep.
Settled Estates Act.....	431	
Settlers' Pulpwood Protection Act.....	432	
Sheridan Park Corporation Act.....	433	
Sheriffs Act.....	434	
Shoreline Property Assistance Act.....	...	1973, c. 22; 1974, c. 38.
Short Forms of Conveyances Act.....	435	
Short Forms of Leases Act.....	436	
Short Forms of Mortgages Act.....	437	
Silicosis Act.....	438	1971, c. 50, s. 78.
Small Claims Courts Act.....	439	R.S.O. 1970, c. 439, ss. 108 (2), 112 (3), 113 (2), 197 (3); 1972, c. 107.
Snow Roads and Fences Act.....	440	
Solicitors Act.....	441	
Spruce Pulpwood Exportation Act.....	442	1971, c. 50, s. 79.
Statistics Act.....	443	
Statute of Frauds.....	444	
Statute Labour Act.....	445	1971, c. 98, s. 4, Sched. par. 32.
Statutes Act.....	446	1974, c. 83.
Statutory Powers Procedure Act.....	...	1971, c. 47.
St. Lawrence Parks Commission Act.....	447	
Stock Yards Act.....	448	1971, c. 50, s. 80; 1975, c. 57.
Succession Duty Act.....	449	1971, c. 15 and c. 98, s. 4, Sched. par. 33; 1971 (2nd Sess.), c. 3; 1972, c. 17; 1973, c. 109; 1974, c. 40; 1975, c. 14.
Summary Convictions Act.....	450	1971, c. 10.
Sunnybrook Hospital Act (1966, c. 150).....	...	1972, c. 71.
Superannuation Adjustment Benefits Act.....	...	1975, c. 82.
Supply Act.....	...	1974, c. 137.
Surrogate Courts Act.....	451	1971, c. 59 and c. 98, s. 4, Sched. par. 34; 1971 (2nd Sess.), c. 16; 1972, c. 8; 1973, c. 19.
Surveyors Act.....	452	
Surveys Act.....	453	1971, c. 50, s. 81 and c. 53; 1972, c. 4, s. 20 and c. 30.
Survivorship Act.....	454	1972, c. 43.
T		
Tax Sales Confirmation Act.....	...	1974, c. 90.
Teachers' Superannuation Act.....	455	1971 (2nd Sess.), c. 9; 1972, c. 1, s. 65; 1973, c. 36; 1975, c. 85.

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Teaching Profession Act.....	456	1972, c. 1, s. 66.
Telephone Act.....	457	1972, c. 1, s. 103.
Territorial Division Act.....	458	1974, c. 9; 1975, c. 48.
Theatres Act.....	459	1971, c. 50, s. 82; 1972, c. 1, s. 56; 1975, c. 60.
Thorold (City of) Act.....	...	1975, c. 32.
Thunder Bay (City of) Act (1968-69, c. 56).....	...	1970, c. 125; 1972, c. 36; 1974, c. 45.
Ticket Speculation Act.....	460	
Tile Drainage Act.....	461	1971, c. 37, sup; 1975, c. 80.
Time Act.....	462	
Timmins-Porcupine (City of) Act.....	...	1972, c. 117 and c. 154; 1973, c. 127.
Tobacco Tax Act.....	463	1972, c. 16.
Toll Bridges Act.....	464	
Toronto Area Transit Operating Authority Act..	...	1974, c. 69.
Toronto Stock Exchange Act.....	465	
Toronto Transit Commission Labour Disputes Settlement Act.....	...	1974, c. 71, s. 11, rép.
Tourism Act.....	122	1971, c. 50, s. 31; 1972, c. 1, s. 79.
Trade Schools Regulation Act..... (See now Private Vocational Schools Act)	466	1972, c. 1, s. 18; 1974, c. 48, s. 21, rep.
Training Schools Act.....	467	1975, c. 21.
Travel Industry Act.....	...	1974, c. 115.
Trees Act.....	468	
Trench Excavators' Protection Act.....	469	1971, c. 50, s. 83; 1973, c. 47, s. 32 (2), rep.
Trustee Act.....	470	1971, c. 32; 1973, c. 15; 1975, c. 39.
U		
Unclaimed Articles Act.....	471	
Unconscionable Transactions Relief Act.....	472	
University Expropriation Powers Act.....	473	1974, c. 4.
University of Guelph Act (1964, c. 120; 1965, c. 136)	...	1971, c. 56, s. 21.
University of Toronto Act.....	...	1971, c. 56, sup.
Upholstered and Stuffed Articles Act.....	474	1971, c. 50, s. 84; 1972, c. 1, s. 57.
Used Car Dealers Act..... (See now Motor Vehicle Dealers Act)	475	1971, c. 21 and c. 50, s. 85.
V		
Vacant Land Cultivation Act.....	476	
Variation of Trusts Act.....	477	
Vendors and Purchasers Act.....	478	
Veneral Diseases Prevention Act.....	479	1971, c. 33.
Veterinarians Act.....	480	
Vexatious Proceedings Act.....	481	
Vicious Dogs Act.....	482	
Vital Statistics Act.....	483	1971, c. 98, s. 4, Sched. par. 35; 1972, c. 1, s. 58; 1973, c. 114.
Vocational Rehabilitation Services Act.....	484	1971, c. 50, s. 86; 1974, c. 97.
Voters' Lists Act..... (See now Municipal Elections Act)	485	1972, c. 95, s. 118, rep.
W		
Wages Act.....	486	1971, c. 20.
Warble Fly Control Act.....	487	
Warehousemen's Lien Act.....	488	

Title of Act	R.S.O. 1970 Chap.	Amendments in 1971, 1971 (2nd Sess.), 1972, 1973, 1974 and 1975
Warehouse Receipts Act.....	489	
War Veterans Burial Act.....	490	
Wasaga Beach (Town of) Act.....	...	1973, c. 79; 1974, c. 89.
Wasaga Beach (Village of) Act.....	...	1972, c. 88.
Waste Management Act.....	491	1971, c. 86, s. 104, rep.
(<i>See now</i> Environmental Protection Act)		
Water Powers Regulation Act.....	492	1972, c. 28, s. 1, rep.
Weed Control Act.....	493	1971, c. 50, s. 87; 1972, c. 39; 1973, c. 89.
Welfare Units Act.....	494	
Wharfs and Harbours Act.....	495	
White Cane Act.....	496	
Wild Rice Harvesting Act.....	497	1971, c. 50, s. 88.
Wilderness Areas Act.....	498	
Wilfrid Laurier University Act.....	...	1973, c. 87.
Wills Act.....	499	1971, c. 3 and c. 98, s. 4, Sched. par. 36.
Wine Content Act.....	...	1972, c. 171.
Wolf and Bear Bounty Act.....	500	1971, c. 50, s. 89; 1972, c. 144, rep.
Wolf Damage to Live Stock Compensation Act..	...	1972, c. 145; 1974, c. 94, s. 9, rep.
(<i>See now</i> Dog Licensing and Live Stock and Poultry Protection Act)		
Women's Equal Employment Opportunity Act..	501	1971, c. 50, s. 90; 1972, c. 119, s. 15, rep.
(<i>See now</i> The Ontario Human Rights Code)		
Woodlands Improvement Act.....	502	
Woodmen's Employment Act.....	503	1971, c. 50, s. 91.
Woodmen's Lien for Wages Act.....	504	
Wool Marketing Act.....	...	1974, c. 56.
Workmen's Compensation Act.....	505	1971, c. 62 and c. 98, s. 4, Sched. par. 37; 1973, c. 46 and c. 173; 1974, c. 70; 1975, c. 47.
Workmen's Compensation Insurance Act.....	506	
Y		
York County Board of Education Teachers Dispute Act.....	...	1974, c. 1.

TABLE OF PROCLAMATIONS

Setting out the Public Acts and parts of Public Acts in the Revised Statutes of Ontario, 1970 and subsequent annual volumes that have been and that are to be brought into force by Proclamation and that have not been repealed or superseded

A

ACTS AND PARTS OF ACTS PROCLAIMED AND THE DATES UPON WHICH THEY CAME INTO FORCE

- ADMINISTRATION OF JUSTICE AMENDMENT ACT: 1971, c. 8 (12th January, 1972).
- AGE OF MAJORITY AND ACCOUNTABILITY ACT: 1971, c. 98, s. 4 and Sched. Pars. 3, 12, 17, 18, 19, 21, 23, 24, 26, 27, 29, 31 and 32 (28th July, 1971); ss. 1-3, 5-20 and Sched. Pars. 1, 2, 4-11, 13-16, 20, 22, 25, 28, 30, 33 and 34-37 (1st September, 1971).
- AGRICULTURAL TILE DRAINAGE INSTALLATION ACT: 1972, c. 38 (2nd April, 1973).
- ALGONQUIN FORESTRY AUTHORITY ACT: 1974, c. 99 (1st January, 1975).
- ARTIFICIAL INSEMINATION OF CATTLE AMENDMENT ACT: 1973, c. 119 (1st January, 1974).
- ASSESSMENT AMENDMENT ACT: 1973, c. 26, s. 2 (30th August, 1974).
- AUDIT AMENDMENT ACT: 1971, c. 54 (31st August, 1971).
- BANTING AND BEST MEDICAL RESEARCH REPEAL ACT: 1973, c. 29 (1st January, 1974).
- BILLS OF SALE ACT: R.S.O. 1970, c. 44, s. 18 (1st January, 1971).
- BUSINESS PRACTICES ACT: 1974, c. 131 (1st May, 1975).
- CHILD WELFARE AMENDMENT ACT: 1972, c. 109, s. 5 (1st September, 1972); 1975, c. 1, ss. 1 to 7, 10 to 40 (1st August, 1975).
- CIVIL RIGHTS STATUTE LAW AMENDMENT ACT: 1971, c. 50 (17th April, 1972).
- COMMUNITY RECREATION CENTRES ACT: 1974, c. 80 (1st April, 1975).
- COMPENSATION FOR VICTIMS OF CRIME ACT: 1971, c. 51 (1st September, 1971).
- CONDOMINIUM AMENDMENT ACT: 1974, c. 133, ss. 10, 15 (30th June, 1975).
- CONSTRUCTION SAFETY ACT: 1973, c. 47 (1st August, 1973).
- CONSUMER PROTECTION AMENDMENT ACT: 1971, c. 24 (18th October, 1971).
- CONSUMER REPORTING ACT: 1973, c. 97 (2nd July, 1974).
- CO-OPERATIVE CORPORATIONS ACT: 1973, c. 101 (31st March, 1974).
- CORONERS ACT: 1972, c. 98 (31st May, 1973).
- CORPORATIONS AMENDMENT ACT: 1973, c. 104, s. 2 (1st February, 1974), s. 1 (31st March, 1974).
- CORPORATIONS INFORMATION ACT: 1971, c. 27 (1st October, 1971). Except s. 2, s. 2 (1st January, 1972).
- CREDIT UNIONS AMENDMENT ACT: 1974, c. 39 (19th June, 1974).
- CROWN EMPLOYEES COLLECTIVE BARGAINING ACT: 1972, c. 67 (29th December, 1972).
- CROWN EMPLOYEES COLLECTIVE BARGAINING AMENDMENT ACT: 1974, c. 135, ss. 5, 6, 8 (17th April, 1975), ss. 1 to 4, 7, 9 to 22 (21st July, 1975).
- CROWN WITNESSES AMENDMENT ACT: 1971, c. 5 (3rd July, 1972).
- DAY NURSERIES AMENDMENT ACT: 1973, c. 77, ss. 1 (1, 2, 5), 2, 3, 4 (2), 5, 9 (13th March, 1974).
- DENTISTRY AMENDMENT ACT: 1972, c. 141, ss. 1, 2 (22nd November, 1973), ss. 3, 4, 5 (8th February, 1973); 1974, c. 35 (24th January, 1975).
- DENTURE THERAPISTS ACT: 1972, c. 163, ss. 2, 3, 7, 18, 19, 20, 21 (22nd February, 1973), ss. 1, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 (6th July, 1973); 1974, c. 34 (24th January, 1975).
- DEPARTMENT OF COLLEGES AND UNIVERSITIES ACT: 1971, c. 66 (1st October, 1971).

- DEPARTMENT OF EDUCATION AMENDMENT ACT: 1971, c. 89, s. 4 (1st October, 1971).
- DEVELOPMENT CORPORATIONS ACT: 1973, c. 84 (5th December, 1973).
- DEVELOPMENT CORPORATIONS AMENDMENT ACT: 1973, c. 125 (5th December, 1973).
- DISTRICT WELFARE ADMINISTRATION BOARDS AMENDMENT ACT: 1972, c. 25 (1st January, 1973).
- DOG LICENSING AND LIVE STOCK AND POULTRY PROTECTION AMENDMENT ACT: 1974, c. 94 (1st March, 1975).
- EMPLOYMENT STANDARDS ACT: 1974, c. 112, ss. 1 to 33, 35 to 69 (1st January, 1975), s. 34 (1st November, 1975).
- ENERGY ACT: 1971, c. 44 (16th June, 1972).
- ENVIRONMENTAL PROTECTION ACT: 1971, c. 86, ss. 1-56 and 63-107 (11th August, 1971), ss. 60 (2), 62 (15th April, 1974).
- ENVIRONMENTAL PROTECTION AMENDMENT ACT: 1972, c. 106, ss. 18, 19, 20, 21, 31 (4-10) (1st January, 1973); 1973, c. 94, ss. 1, 2, 3, 7, 8, 9, 10, 12 (27th December, 1973), ss. 6, 11 (1, 2, 4) (15th April, 1974), ss. 4, 5, 11 (3) (3rd June, 1974); 1974, c. 20, ss. 8, 10 (9th August, 1974).
- EXECUTIVE COUNCIL AMENDMENT ACT: 1971 (2nd Sess.), c. 14 (5th January, 1972).
- FAMILY LAW REFORM ACT: 1975, c. 41 (10th July, 1975).
- FARM PRODUCTS GRADES AND SALES AMENDMENT ACT: 1974, c. 6 (5th May, 1975).
- FARM PRODUCTS MARKETING AMENDMENT ACT (No. 2): 1971, c. 42 (24th November, 1972).
- FINANCIAL ADMINISTRATION AMENDMENT ACT: 1971, c. 55, ss. 1-3 (31st August, 1971); ss. 4-7 (30th July, 1971).
- FORT WILLIAM LAND TITLES AND REGISTRY OFFICE REPEAL ACT: 1971, c. 58 (22nd November, 1971).
- GASOLINE HANDLING AMENDMENT ACT: 1973, c. 115, s. 5 (1), part—*but see* 1973, c. 115, s. 5 (2) (15th June, 1974).
- HABEAS CORPUS AMENDMENT ACT: 1970, c. 102 *but see* R.S.O. 1970, c. 197, ss. 1 (4), 9 and 12 (17th April, 1972).
- HEALTH DISCIPLINES ACT: 1974, c. 47, ss. 1 to 5, 7 to 168 (14th July, 1975).
- HEALTH DISCIPLINES AMENDMENT ACT: 1975, c. 63 (14th July, 1975).
- HIGHWAY TRAFFIC AMENDMENT ACT: 1972, c. 128 (2nd April, 1973); 1973, c. 167, s. 9 (6th February, 1974), ss. 1, 8 (1st September, 1974); 1974, c. 123, ss. 6, 7, 8, 9 (24th February, 1975); 1975, c. 64 (1st September, 1975).
- HOTEL FIRE SAFETY ACT: 1971, c. 41 (1st September, 1971).
- INCOME TAX AMENDMENT ACT (No. 2): 1971 (2nd Sess.), c. 1, ss. 1, 2, 3 (2-8), 4, 5, 6 and 8 to 27 (1st January, 1972).
- INDUSTRIAL SAFETY ACT: 1971, c. 43 (17th June, 1972).
- INDUSTRIAL SAFETY AMENDMENT ACT: 1974, c. 104 (17th May, 1975).
- INSURANCE AMENDMENT ACT: 1966, c. 71, s. 9 (1st April, 1971); 1971, c. 84, s. 2 (12th January, 1972), s. 13 (1st June, 1973); 1972, c. 66, s. 8 (1st September, 1973), s. 9 (1st June, 1973), s. 12 (1st December, 1972); 1973, c. 124, s. 21 (1st May, 1974).
- JUDGES' ORDERS ENFORCEMENT AMENDMENT ACT: 1970, c. 101—*but see* R.S.O. 1970, c. 227, s. 3 (17th April, 1972).
- JUDICATURE AMENDMENT ACT: 1970, c. 97, ss. 1-4, 6—*but see* R.S.O. 1970, c. 228, ss. 7, 48 and 1971, c. 57, ss. 1, 3 (Vol. II); 1971, c. 57 (17th April, 1972).
- JUDICIAL REVIEW PROCEDURE ACT: 1971, c. 48 (17th April, 1972).
- JURORS AMENDMENT ACT: 1971, c. 9, ss. 1, 4 (1st March, 1972), ss. 2, 3, 5 (3rd July, 1972).
- JUSTICES OF THE PEACE AMENDMENT ACT: 1971, c. 6 (1st March, 1972).

- LAW SOCIETY AMENDMENT ACT: 1973, c. 49, s. 3 (17th January, 1974).
- LEGISLATIVE ASSEMBLY AMENDMENT ACT: 1972, c. 131 (21st August, 1975).
- LIQUOR CONTROL AMENDMENT ACT: 1971, c. 88, s. 2 (20th March, 1972), s. 1 (6th September, 1972); 1973, c. 69 (26th September, 1973).
- LIQUOR LICENCE AMENDMENT ACT: 1973, c. 68 (26th September, 1973).
- LIVE STOCK MEDICINES ACT: 1973, c. 80, s. 2 (1st January, 1974).
- LOAN AND TRUST CORPORATIONS AMENDMENT ACT: 1972, c. 101, s. 12 (2nd July, 1974); 1973, c. 128, s. 5 (1st February, 1974).
- MANAGEMENT BOARD OF CABINET ACT: 1971 (2nd Sess.), c. 12 (2nd February, 1972).
- MANAGEMENT BOARD OF CABINET AMENDMENT ACT: 1972, c. 97 (29th December, 1972).
- McMICHAEL CANADIAN COLLECTION ACT: 1972, c. 134 (2nd April, 1973).
- MEDICAL AMENDMENT ACT: 1973, c. 129 (27th June, 1974).
- MILK AMENDMENT ACT: 1972, c. 162 (1st April, 1973).
- MINING AMENDMENT ACT: 1973, c. 106 (1st November, 1973).
- MINISTRY OF COLLEGES AND UNIVERSITIES AMENDMENT ACT: 1972, c. 114, ss. 1, 2 (29th December, 1972).
- MINISTRY OF CULTURE AND RECREATION ACT: 1974, c. 120 (14th January, 1975).
- MINISTRY OF ENERGY ACT: 1973, c. 56 (3rd July, 1973).
- MINISTRY OF NATURAL RESOURCES AMENDMENT ACT: 1973, c. 105 (1st November, 1973).
- MOOSONEE DEVELOPMENT AREA BOARD AMENDMENT ACT: 1974, c. 76 (14th January, 1975).
- MORTGAGE BROKERS ACT: 1968-69, c. 71 (1st November, 1971).
- MUNICIPAL AMENDMENT ACT: 1972, c. 121 (31st July, 1972); 1972, c. 169 (17th January, 1973); 1973, c. 175, s. 1 (9th January, 1974).
- MUNICIPAL CONFLICT OF INTEREST ACT: 1972, c. 142 (17th January, 1973).
- MUNICIPAL ELECTIONS ACT: 1972, c. 95 (31st July, 1972).
- NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT AMENDMENT ACT: 1974, c. 52, s. 5 (31st January, 1975).
- NORTH PICKERING DEVELOPMENT CORPORATION ACT: 1974, c. 124 (30th July, 1975).
- NORTHERN ONTARIO DEVELOPMENT CORPORATION ACT: 1970, c. 77 (3rd May, 1972).
- NURSES AMENDMENT ACT: 1973, c. 30, s. 2 (15th June, 1973).
- OMBUDSMAN ACT: 1975, c. 42 (10th July, 1975).
- ONTARIO ENERGY BOARD AMENDMENT ACT: 1973, c. 55 (11th July, 1973).
- ONTARIO ENERGY CORPORATION ACT: 1974, c. 101 (28th February, 1975).
- ONTARIO HERITAGE ACT: 1974, c. 122 (5th March, 1975).
- ONTARIO LAND CORPORATION ACT: 1974, c. 134 (19th March, 1975).
- ONTARIO WATER RESOURCES AMENDMENT ACT: 1973, c. 90, ss. 3, 4 (31st May, 1974).
- OPERATING ENGINEERS AMENDMENT ACT: 1972, c. 41 (16th June, 1972).
- PARKWAY BELT PLANNING AND DEVELOPMENT AMENDMENT ACT: 1974, c. 51, s. 2 (31st January, 1975).
- PARTNERSHIPS REGISTRATION AMENDMENT ACT: 1968-69, c. 91—but see R.S.O. 1970, c. 340, s. 19 (21st March, 1973).
- PESTICIDES ACT: 1973, c. 25 (31st May, 1974).
- PESTICIDES AMENDMENT ACT: 1974, c. 21 (4th July, 1974).
- PITS AND QUARRIES CONTROL ACT: 1971, c. 96, ss. 1-20 and 22, 23 (3rd November, 1971), s. 21 (30th June, 1972).
- PLANNING AMENDMENT ACT: 1973, c. 168, ss. 1, 2, 7, 13, 14, 15 (9th January, 1974).

- POLICY AND PRIORITIES BOARD OF CABINET ACT: 1971 (2nd Sess.), c. 13 (2nd February, 1972).
- POLICE AMENDMENT ACT: 1972, c. 103 (1st December, 1972).
- POWER COMMISSION AMENDMENT ACT: 1973, c. 57 (4th March, 1974).
- POWER COMMISSION INSURANCE AMENDMENT ACT: 1973, c. 59 (4th March, 1974).
- PUBLIC HEALTH AMENDMENT ACT: 1972, c. 80, ss. 1 (1), 4 (1st November, 1972); 1973, c. 130 (10th June, 1974); 1974, c. 61 (3rd July, 1974).
- PUBLIC INQUIRIES ACT: 1971, c. 49 (17th April, 1972).
- PUBLIC PARKS AMENDMENT ACT: 1972, c. 166 (17th January, 1973).
- PUBLIC SERVICE AMENDMENT ACT: 1972, c. 96, ss. 1, 4, 6, 7 (29th December, 1972).
- PYRAMIDIC SALES ACT: 1972, c. 57 (16th June, 1972).
- REGIONAL MUNICIPALITY OF OTTAWA-CARLETON AMENDMENT ACT: 1972, c. 126, s. 14 (1st August, 1972).
- REGISTRY AMENDMENT ACT: 1972, c. 133, s. 12 (1st November, 1973).
- RIDING HORSE ESTABLISHMENTS ACT: 1972, c. 59 (2nd April, 1973).
- RYERSON POLYTECHNICAL INSTITUTE AMENDMENT ACT: 1971, c. 65 (1st October, 1971).
- SCHOOLS ADMINISTRATION AMENDMENT ACT: 1972, c. 77, s. 26 (17th January, 1973).
- SMALL CLAIMS COURTS AMENDMENT ACT: 1970, c. 120, ss. 8, 10, 11, 13, 14—but see R.S.O. 1970, c. 439, ss. 108, 112, 113, 197 (17th April, 1972).
- STATUTORY POWERS PROCEDURE ACT: 1971, c. 47 (17th April, 1972).
- THEATRES AMENDMENT ACT: 1975, c. 60 (1st September, 1975).
- TILE DRAINAGE ACT: 1971, c. 37 (15th July, 1971).
- TRAVEL INDUSTRY ACT: 1974, c. 115, ss. 3 (1, 2), 13, 15 to 26 (15th July, 1975).
- UNIVERSITY OF TORONTO ACT: 1971, c. 56, s. 20 (5th January, 1972), ss. 1-19, 21-23 (1st July, 1972).
- USED CAR DEALERS AMENDMENT ACT: 1971, c. 21 (1st January, 1972).
- VENEREAL DISEASES PREVENTION AMENDMENT ACT: 1971, c. 33 (1st January, 1972).
- VITAL STATISTICS AMENDMENT ACT: 1973, c. 114, s. 3 (2nd January, 1974).
- WEED CONTROL AMENDMENT ACT: 1972, c. 39 (2nd April, 1973).
- WINE CONTENT ACT: 1972, c. 171 (28th February, 1973).
- WOOL MARKETING ACT: 1974, c. 56 (1st January, 1975).
- WORKMEN'S COMPENSATION AMENDMENT ACT: 1973, c. 173, ss. 1-7, 9 (1st January, 1974), s. 8 (15th March, 1974).

B

ACTS AND PARTS OF ACTS NOT PROCLAIMED AS OF SEPTEMBER 8th, 1975

- ASSESSMENT AMENDMENT ACT: 1974, c. 41, s. 22.
- ASSIGNMENT OF BOOK DEBTS AMENDMENT AND REPEAL ACT: 1967, c. 5, s. 3—but see R.S.O. 1970, c. 33, s. 24.
- BEEF CATTLE MARKETING AMENDMENT ACT: 1974, c. 43.
- BILLS OF SALE ACT: R.S.O. 1970, c. 44, ss. 1-17.
- BILLS OF SALE AND CHATTEL MORTGAGES AMENDMENT AND REPEAL ACT: 1967, c. 8, s. 4—but see R.S.O. 1970, c. 45, s. 40.
- BUILDING CODE ACT: 1974, c. 74.

CHARITABLE INSTITUTIONS AMENDMENT ACT: 1972, c. 61, ss. 3, 4 (1).

CONDITIONAL SALES AMENDMENT AND REPEAL ACT: 1967, c. 11, s. 4—*but see* R.S.O. 1970, c. 76, s. 18.

CONDOMINIUM AMENDMENT ACT: 1974, c. 133, s. 18.

CORPORATIONS AMENDMENT ACT: 1973, c. 104, ss. 3, 4.

CORPORATIONS INFORMATION AMENDMENT ACT: 1972, c. 139.

COUNTY JUDGES AMENDMENT ACT: 1971, c. 4, s. 3.

DEPARTMENT OF CORRECTIONAL SERVICES ACT: 1968, c. 27, s. 31—*but see* R.S.O. 1970, c. 110, s. 30 (2).

DEPARTMENT OF JUSTICE ACT: 1968-69, c. 27, s. 8—*but see* R.S.O. 1970, c. 116, s. 8.

DOG LICENSING AND LIVE STOCK AND POULTRY PROTECTION AMENDMENT ACT: 1975, c. 86.

DRAINAGE ACT: 1975, c. 79.

ENVIRONMENTAL ASSESSMENT ACT: 1975, c. 69.

ENVIRONMENTAL PROTECTION AMENDMENT ACT: 1973, c. 94, ss. 13, 14; 1974, c. 125; 1975, c. 70.

FRUITS AND VEGETABLES PRODUCE-FOR-PROCESSING ACT: 1974, c. 55.

GAME AND FISH AMENDMENT ACT: 1973, c. 174.

HIGHWAY TRAFFIC AMENDMENT ACT: 1973, c. 167, ss. 2, 3, 4, 5, 6, 10, 11; 1974, c. 123, s. 3; 1975, c. 78, ss. 1 (2, 3), 3 to 7, 10, 11.

HOMES FOR THE AGED AND REST HOMES AMENDMENT ACT: 1972, c. 62, ss. 2 (1), 4, 5, 8.

INSURANCE ACT: R.S.O. 1970, c. 224, ss. 365, 366 and 367.

INSURANCE AMENDMENT ACT: 1973, c. 124, s. 14.

JUDICATURE AMENDMENT ACT: 1975, c. 30, ss. 1 to 6, 8, 9.

LABOUR RELATIONS AMENDMENT ACT: 1975, c. 76, ss. 1 (1), 3 (4), 6, 12, 31.

LEGAL AID AMENDMENT ACT: 1973, c. 50.

LIQUOR CONTROL ACT: 1975, c. 27.

LIQUOR LICENCE ACT: 1975, c. 40.

LIVE STOCK MEDICINES ACT: 1973, c. 80, ss. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18.

MEAT INSPECTION AMENDMENT ACT (ONTARIO): 1972, c. 81.

MECHANICS' LIEN AMENDMENT ACT: 1975, c. 43.

MINISTRY OF TRANSPORTATION AND COMMUNICATIONS CREDITORS PAYMENT ACT: 1975, c. 44.

MORTGAGE BROKERS AMENDMENT ACT: 1975, c. 28.

MOTORIZED SNOW VEHICLES ACT: 1974, c. 113, ss. 2 (7), 8 (1) (c) (2, 3), 9.

MUNICIPAL AMENDMENT ACT: 1970, c. 135, s. 7 (7)—*but see* R.S.O. 1970, c. 284, s. 640

ONTARIO WATER RESOURCES AMENDMENT ACT: 1975, c. 71.

PERSONAL PROPERTY SECURITY ACT: 1967, c. 73, ss. 1 to 40, 44 and 46 to 69—*but see* R.S.O. 1970, c. 344, s. 72.

PERSONAL PROPERTY SECURITY AMENDMENT ACT: 1973, c. 102, ss. 1 to 14.

PUBLIC HEALTH AMENDMENT ACT: 1975, c. 61, ss. 1, 2, 4 to 15.

PUBLIC INSTITUTIONS INSPECTION ACT: 1974, c. 64.

PUBLIC WORKS CREDITORS PAYMENT REPEAL ACT: 1975, c. 45.

REGIONAL MUNICIPALITY OF NIAGARA AMENDMENT ACT: 1972, c. 51, s. 4.

REGISTRY AMENDMENT ACT: 1972, c. 133, s. 17.

SALE OF GOODS AMENDMENT ACT: 1967, c. 89—*but see* R.S.O. 1970, c. 421, s. 25.

TILE DRAINAGE AMENDMENT ACT: 1975, c. 80.

TRAINING SCHOOLS AMENDMENT ACT: 1975, c. 21.

TRAVEL INDUSTRY ACT: 1974, c. 115, ss. 3 (3), 14.

WORKMEN'S COMPENSATION AMENDMENT ACT: 1973, c. 173, ss. 10, 11.

TABLE OF REGULATIONS

FILED UNDER THE REGULATIONS ACT

To the 25th Day of July, 1975

PART I

Showing the Regulations contained in Revised Regulations of Ontario, 1970 and subsequent Regulations filed to the 25th day of July, 1975, other than those set out in Part II.

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
A			
Abandoned Orchards Act			
General.....	1	.....	.....
Active Service Moratorium Act, 1943			
Application.....	2	.....	.....
Administration of Justice Act			
Fees and Expenses.....	...	949/74	Dec. 28/74
Investigation Fee—Official Guardian.....	...	288/72	July 1/72
Agricultural Associations Act			
Designation of Associations.....	5	.....	.....
<i>amended</i>.....	...	215/71	June 5/71
<i>amended</i>.....	...	396/71	Sept. 25/71
<i>amended</i>.....	...	10/72	Jan. 29/72
<i>amended</i>.....	...	130/73	Mar. 31/73
<i>amended</i>.....	...	508/74	July 20/74
Agricultural Development Act			
Interest on Loans.....	6	.....	.....
Agricultural Development Finance Act			
Deposits.....	7	.....	.....
<i>amended</i>.....	...	139/75	Mar. 15/75
Agricultural Tile Drainage Installation Act, 1972			
General.....	...	193/73	Apr. 21/73
Agriculture Societies Act			
General.....	8	.....	.....
Air Pollution Control Act			
(See now Environmental Protection Act, 1971)			

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Ambulance Act			
General.....	...	599 /75	Aug. 2 /75
Anatomy Act			
General.....	18	.....	.....
<i>amended</i>.....	...	772 /73	Dec. 22 /73
Animals for Research Act			
General.....	...	142 /71	Apr. 17 /71
Pounds.....	...	140 /71	Apr. 17 /71
<i>amended</i>.....	...	387 /73	July 7 /73
Research Facilities and Supply Facilities.....	...	139 /71	Apr. 17 /71
Transportation.....	...	141 /71	Apr. 17 /71
Apprenticeship and Tradesmen's Qualification Act			
Alignment and Brakes Mechanic.....	19	.....	.....
Auto Body Repairer.....	20	.....	.....
Automotive Machinist.....	21	.....	.....
Automotive Painter.....	22	.....	.....
Bakers.....	23	.....	.....
Barbering Schools.....	24	.....	.....
Barbers.....	25	.....	.....
<i>amended</i>.....	...	206 /71	May 29 /71
Brick and Stone Masons.....	26	.....	.....
Carpenters.....	...	371 /71	Sept. 18 /71
Cement Mason.....	...	165 /72	Apr. 22 /72
Chefs.....	29	.....	.....
Construction Millwright.....	...	543 /72	Dec. 2 /72
Dry Cleaners.....	30	.....	.....
Electricians.....	31	.....	.....
<i>amended</i>.....	...	78 /71	Feb. 27 /71
Farm Equipment Mechanic.....	...	395 /71	Sept. 25 /71
Fuel and Electrical Systems Mechanic.....	32	.....	.....
General.....	33	.....	.....
Glazier and Metal Mechanic.....	34	.....	.....
<i>amended</i>.....	...	408 /73	July 14 /73
Hairdressers.....	35	.....	.....
<i>amended</i>.....	...	207 /71	May 29 /71
Hairdressing Schools.....	36	.....	.....
Heavy Duty Equipment Mechanic.....	37	.....	.....
Iron Workers.....	...	171 /73	Apr. 14 /73
Lathers.....	39	.....	.....
<i>amended</i>.....	...	409 /73	July 14 /73
Motor Vehicle Mechanic.....	40	.....	.....
Motorcycle Mechanic.....	41	.....	.....
Painters and Decorators.....	...	93 /72	Mar. 18 /72
Plasterers.....	43	.....	.....
Plumbers.....	44	.....	.....
<i>amended</i>.....	...	77 /71	Feb. 27 /71
<i>amended</i>.....	...	269 /71	July 3 /71
<i>amended</i>.....	...	410 /73	July 14 /73
Radio and Television Service Technician.....	...	221 /74	Apr. 27 /74
Refrigeration and Air-Conditioning Mechanic.....	...	612 /73	Oct. 20 /73
Service Station Attendant.....	46	.....	.....
Sheet Metal Worker.....	...	298 /73	June 2 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Apprenticeship and Tradesmen's Qualification Act			
— <i>Continued</i>			
Steamfitters . . . . .	...	124 /73	Mar. 24 /73
Transmission Mechanic	49	.....	.....
Truck-Trailer Repairer	50	.....	.....
Watch Repairers	51	.....	.....
<i>amended</i> . . . . .	...	227 /71	June 12 /71
Arbitrations Act			
Fees Chargeable by Arbitrators . . . . .	...	401 /73	July 14 /73
Archaeological and Historic Sites Protection Act			
Archaeological Sites	53	.....	.....
Historic Sites	54	.....	.....
Architects Act			
Complaints	55	.....	.....
Artificial Insemination of Live Stock Act			
<i>(formerly Artificial Insemination of Cattle Act)</i>			
<i>(name of Act changed—see S.O. 1973, c. 119, s. 1)</i>			
<i>Proc. January 1st, 1974</i>			
General	56	.....	.....
<i>amended</i> . . . . .	...	426 /73	July 28 /73
<i>amended</i> . . . . .	...	63 /75	Feb. 15 /75
Assessment Act			
Assessment Areas and Regions	57	.....	.....
<i>amended</i> . . . . .	...	34 /72	Feb. 19 /72
<i>amended</i> . . . . .	...	113 /74	Mar. 16 /74
Information to be included in Census . . . . .	...	411 /72	Aug. 26 /72
Interior Information Questionnaire . . . . .	...	423 /72	Sept. 2 /72
Municipal Enumeration Notice . . . . .	...	643 /74	Sept. 14 /74
Notice of Assessment under Subsection 1 of Section 40 of the Act . . . . .	...	562 /73	Sept. 15 /73
Payments to Mining Municipalities . . . . .	...	370 /72	Aug. 12 /72
<i>amended</i> . . . . .	...	485 /72	Oct. 21 /72
Pipe Line Rates . . . . .	...	122 /74	Mar. 16 /74
Property Income Questionnaire . . . . .	...	267 /74	May 11 /74
<i>amended</i> . . . . .	...	503 /75	June 28 /75
Assignment of Book Debts Act			
Form of Renewal Statement	62	.....	.....
General . . . . .	...	733 /74	Oct. 12 /74
Athletics Control Act			
Amount of Tax	64	.....	.....
General	65	.....	.....
<i>amended</i> . . . . .	...	271 /71	July 3 /71
<i>amended</i> . . . . .	...	372 /71	Sept. 18 /71
<i>amended</i> . . . . .	...	14 /72	Feb. 5 /72

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
B			
Bailiffs Act			
General	66	.....	.....
Beach Protection Act			
General	68	.....	.....
Beef Cattle Marketing Act			
Licence Fees	69	.....	.....
<i>amended</i> . . . . .	...	292/73	June 2/73
Weighing of Beef Carcasses	70	.....	.....
Bees Act			
General	71	.....	.....
<i>amended</i> . . . . .	...	522/74	July 27/74
Bills of Sale and Chattel Mortgages Act			
Chattel Mortgages	72	.....	.....
Fees Concerning Bills of Sale	73	.....	.....
Blind Persons' Allowances Act			
General	74	.....	.....
Boilers and Pressure Vessels Act			
General	75	.....	.....
<i>amended</i> . . . . .	...	164/72	Apr. 22/72
<i>amended</i> . . . . .	...	542/73	Sept. 15/73
<i>amended</i> . . . . .	...	374/75	May 31/75
Boundaries Act			
General	76	.....	.....
<i>amended</i> . . . . .	...	151/72	Apr. 15/72
<i>amended</i> . . . . .	...	820/73	Jan. 12/74
Brucellosis Act			
Vaccination	77	.....	.....
Business Corporations Act (See Interpretation Act)			
General	78	.....	.....
<i>amended</i> . . . . .	...	317/71	Aug. 7/71
<i>amended</i> . . . . .	...	386/71	Sept. 25/71
<i>amended</i> . . . . .	...	445/71	Nov. 6/71
C			
Cemeteries Act			
Closings and Removals	79	.....	.....
<i>amended</i> . . . . .	...	202/71	May 29/71
<i>amended</i> . . . . .	...	203/71	May 29/71
<i>amended</i> . . . . .	...	402/71	Oct. 2/71
<i>amended</i> . . . . .	...	469/71	Nov. 27/71
<i>amended</i> . . . . .	...	71/72	Feb. 26/72

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Cemeteries Act—Continued				
Closings and Removals—Continued				
amended . . . . .	...	430 /72	Sept. 9 /72
amended . . . . .	...	464 /72	Sept. 30 /72
amended . . . . .	...	527 /72	Nov. 18 /72
amended . . . . .	...	587 /72	Jan. 6 /73
amended . . . . .	...	330 /73	June 16 /73
amended . . . . .	...	423 /73	July 28 /73
amended . . . . .	...	521 /73	Sept. 8 /73
amended . . . . .	...	703 /73	Dec. 1 /73
amended . . . . .	...	764 /73	Dec. 22 /73
amended . . . . .	...	443 /74	June 29 /74
amended . . . . .	...	444 /74	June 29 /74
amended . . . . .	...	599 /74	Aug. 31 /74
amended . . . . .	...	693 /74	Oct. 5 /74
amended . . . . .	...	156 /75	Mar. 22 /75
amended . . . . .	...	201 /75	Apr. 5 /75
amended . . . . .	...	341 /75	May 24 /75
amended . . . . .	...	445 /75	June 14 /75
amended . . . . .	...	498 /75	June 21 /75
amended . . . . .	...	601 /75	Aug. 2 /75
General	80	.....	.....
Trust Funds	81	.....	.....
Certification of Titles Act				
Certification Areas (<i>revoking</i>) . . . . .	...	56 /75	Feb. 15 /75
General	83	.....	.....
amended . . . . .	...	152 /72	Apr. 15 /72
amended . . . . .	...	817 /73	Jan. 12 /74
amended . . . . .	...	444 /75	June 14 /75
Change of Name Act				
Fees and Forms	84	.....	.....
Charitable Institutions Act				
General	85	.....	.....
amended . . . . .	...	72 /71	Feb. 27 /71
amended . . . . .	...	268 /72	June 17 /72
amended . . . . .	...	351 /72	July 29 /72
amended . . . . .	...	113 /73	Mar. 24 /73
amended . . . . .	...	377 /73	July 7 /73
amended . . . . .	...	449 /73	Aug. 18 /73
amended . . . . .	...	713 /73	Dec. 1 /73
amended . . . . .	...	70 /74	Feb. 23 /74
amended . . . . .	...	534 /74	July 27 /74
amended . . . . .	...	913 /74	Dec. 14 /74
amended . . . . .	...	960 /74	Jan. 4 /75
amended . . . . .	...	278 /75	Apr. 26 /75
Child Welfare Act				
General	86	.....	.....
amended . . . . .	...	320 /71	Aug. 7 /71
amended . . . . .	...	126 /73	Mar. 24 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Children's Boarding Homes Act			
General.....	87	.....	.....
<i>amended</i>	471 /72	Sept. 30 /72
Children's Institutions Act			
General.....	88	.....	.....
<i>amended</i>	548 /71	Jan. 15 /72
<i>amended</i>	64 /72	Feb. 26 /72
<i>amended</i>	382 /72	Aug. 12 /72
<i>amended</i>	164 /74	Apr. 6 /74
<i>amended</i>	175 /74	Apr. 6 /74
<i>amended</i>	241 /74	May 4 /74
<i>amended</i>	713 /74	Oct. 12 /74
<i>amended</i>	845 /74	Nov. 23 /74
<i>amended</i>	23 /75	Feb. 8 /75
<i>amended</i>	24 /75	Feb. 8 /75
Children's Mental Health Centres Act			
Application of Act.....	...	32 /71	Jan. 30 /71
<i>amended</i>	136 /73	Mar. 31 /73
<i>amended</i>	255 /73	May 12 /73
<i>amended</i>	569 /74	Aug. 10 /74
<i>amended</i>	926 /74	Dec. 21 /74
<i>amended</i>	74 /75	Feb. 22 /75
<i>amended</i>	196 /75	Apr. 5 /75
<i>amended</i>	479 /75	June 21 /75
<i>amended</i>	508 /75	July 5 /75
<i>amended</i>	509 /75	July 5 /75
<i>amended</i>	618 /75	Aug. 9 /75
Children's Mental Hospitals Act			
General.....	89	.....	.....
<i>amended</i>	239 /74	May 4 /74
Chiropody Act			
General.....	90	.....	.....
City of The Lakehead Act, 1968-69			
Reduction in Rates in McIntyre and Neebing Wards.....	...	230 /71	June 12 /71
Order of the Minister.....	...	217 /72	May 20 /72
City of Thunder Bay Act, 1968-69			
Order of the Minister			
lower rates of taxation.....	...	483 /74	July 13 /74
City of Timmins-Porcupine Act, 1972			
Merged Areas.....	...	191 /73	Apr. 21 /73
Order of the Minister.....	...	372 /72	Aug. 12 /72
Order of the Minister.....	...	480 /72	Oct. 14 /72
Order of the Minister.....	...	524 /72	Nov. 11 /72
Order of the Minister			
rates of taxation for general purposes, 1973, 1974, 1975			
and 1976.....	...	391 /73	July 7 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Collection Agencies Act			
General.....	...	21 /71	Jan. 30 /71
<i>amended</i>	496 /74	July 20 /74
Commissioners for taking Affidavits Act			
Fees.....	92	.....	.....
<i>amended</i>	291 /75	May 3 /75
Community Psychiatric Hospitals Act			
General.....	94	.....	.....
Grants.....	95	.....	.....
Community Recreation Centres Act, 1974			
General.....	...	236 /75	Apr. 19 /75
Commuter Services Act			
Dial-A-Bus Service.....	...	771 /74	Oct. 26 /74
General.....	96	.....	.....
<i>amended</i>	133 /71	Apr. 17 /71
<i>amended</i>	196 /71	May 29 /71
<i>amended</i>	467 /72	Sept. 30 /72
<i>amended</i>	174 /74	Apr. 6 /74
<i>amended</i>	244 /74	May 4 /74
<i>amended</i>	454 /74	June 29 /74
<i>amended</i>	828 /74	Nov. 16 /74
Conditional Sales Act			
General.....	...	734 /74	Oct. 12 /74
Condominium Act			
General.....	98	.....	.....
<i>amended</i>	25 /71	Jan. 30 /71
<i>amended</i>	112 /72	Mar. 25 /72
<i>amended</i>	153 /72	Apr. 15 /75
<i>amended</i>	292 /72	July 1 /72
<i>amended</i>	816 /73	Jan. 12 /74
<i>amended</i>	368 /75	May 31 /75
<i>amended</i>	421 /75	June 7 /75
<i>amended</i>	536 /75	July 5 /75
<i>amended</i>	537 /75	July 5 /75
Conservation Authorities Act			
Conservation Areas			
Ausable-Bayfield.....	...	317 /73	June 9 /73
Cataraqui Region.....	100	.....	.....
Catfish Creek.....	...	47 /74	Feb. 15 /75
Central Lake Ontario.....	...	518 /74	July 20 /74
Credit Valley.....	...	460 /72	Sept. 30 /72
Ganaraska Region.....	...	209 /73	Apr. 28 /73
Grand River.....	...	516 /74	July 20 /74
Hamilton Region.....	...	274 /72	June 17 /72
Halton Region.....	...	441 /72	Sept. 16 /72
Kettle Creek.....	...	517 /74	July 20 /74
Long Point Region.....	...	273 /72	June 17 /72

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Conservation Authorities Act—Continued			
Conservation Areas—Continued			
Lower Thames Valley	104	.....	.....
<i>amended</i> .....	...	208/73	Apr. 28/73
Maitland Valley .....	...	515/74	July 20/74
Mattagami Valley .....	...	210/73	Apr. 28/73
Metropolitan Toronto and Region	105	.....	.....
<i>amended</i> .....	...	52/71	Feb. 13/71
<i>amended</i> .....	...	225/71	June 12/71
<i>amended</i> .....	...	106/72	Mar. 18/72
Niagara Peninsula .....	...	859/74	Nov. 23/74
Nottawasaga Valley .....	...	249/71	June 26/71
Prince Edward Region .....	...	514/74	July 20/74
Rideau Valley .....	...	248/74	May 4/74
St. Clair Region .....	...	761/74	Oct. 26/74
Saugeen Valley .....	...	516/72	Nov. 11/72
Sault Ste. Marie Region .....	...	207/73	Apr. 28/73
South Lake Simcoe .....	...	513/74	July 20/74
Fill			
Ausable River	108	.....	.....
Cataraqui Region	109	.....	.....
<i>amended</i> .....	...	36/71	Jan. 30/71
Grand Valley	110	.....	.....
Junction Creek	111	.....	.....
Moira River	113	.....	.....
Spencer Creek	114	.....	.....
Sydenham Valley	115	.....	.....
Fill and Alteration of Waterways			
Long Point Region .....	...	224/71	June 12/71
Fill and Construction—			
Hamilton Region	118	.....	.....
<i>amended</i> .....	...	117/72	Mar. 25/72
<i>amended</i> .....	...	30/74	Feb. 2/74
Otonabee Region	119	.....	.....
Fill, Construction and Alteration to Waterways—			
Catfish Creek .....	...	784/74	Oct. 26/74
Central Lake Ontario .....	...	824/73	Jan. 12/74
Credit Valley .....	...	211/73	Apr. 28/73
<i>amended</i> .....	...	617/73	Oct. 20/73
Grand River .....	...	356/74	May 25/74
<i>amended</i> .....	...	133/75	Mar. 15/75
Halton Region .....	...	272/72	June 17/72
<i>amended</i> .....	...	534/72	Nov. 18/72
Kettle Creek .....	...	783/74	Oct. 26/74
Lakehead Region .....	...	515/73	Sept. 1/73
<i>amended</i> .....	...	158/74	Apr. 6/74
Lower Thames Valley .....	...	37/71	Jan. 30/71
Mattagami Region .....	...	813/74	Nov. 9/74
Metropolitan Toronto and Region .....	...	735/73	Dec. 15/73
North Grey .....	...	125/71	Apr. 10/71
Nottawasaga Valley .....	...	275/75	Apr. 26/75
St. Clair Region .....	...	781/74	Oct. 26/74
Sauble Valley .....	...	126/71	Apr. 26/74
South Lake Simcoe .....	...	782/74	Oct. 26/74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Conservation Authorities Act—Continued			
Fill, Construction and Alteration to Waterways— <i>Continued</i>			
Upper Thames River	755/73		Dec. 15/73
<i>amended</i>	555/74		Aug. 10/74
Use and Operation Applicable to Lands Owned by The Upper Thames River Conservation Authority	28/71		Jan. 30/71
<i>amended</i>	556/74		Aug. 10/74
Construction Hoists Act			
General	126		
<i>amended</i>		125/72	Apr. 1/72
Construction Safety Act, 1973			
General		419/73	July 21/73
Registration of Employers of Workmen		334/75	May 17/75
Consumer Protection Act			
General	128		
<i>amended</i>		149/71	Apr. 24/71
<i>amended</i>		201/71	May 29/71
<i>amended</i>		525/71	Jan. 1/72
<i>amended</i>		258/74	May 11/74
<i>amended</i>		966/74	Jan. 4/75
Consumer Reporting Act, 1973			
General		251/74	May 11/74
<i>amended</i>		202/75	Apr. 5/75
Co-operative Corporations Act, 1973			
General		179/74	Apr. 13/74
Co-operative Loans Act			
General	130		
Coroners Act, 1972			
General		307/73	June 9/73
<i>amended</i>		742/73	Dec. 15/73
<i>amended</i>		30/75	Feb. 8/75
<i>amended</i>		366/75	May 31/75
Corporation Securities Registration Act			
Fees	133		
<i>amended</i>		538/71	Jan. 8/72
Corporations Act			
Evidence of <i>Bona Fides</i> on Applications	134		
<i>amended</i>		444/71	Nov. 6/71
General	135		
<i>amended</i>		383/71	Sept. 25/71
<i>amended</i>		443/71	Nov. 6/71
<i>amended</i>		415/72	Sept. 2/72
Insider Trading and Proxy Solicitation	136		
Corporations Information Act			
Content of Annual Return	137		
General	138		

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Corporations Information Act, 1971			
General.....	...	384 /71	Sept. 25 /71
<i>amended</i>	53 /73	Feb. 24 /73
Corporations Tax Act			
General.....	139	.....	.....
<i>amended</i>	324 /71	Aug. 14 /71
<i>amended</i>	544 /71	Jan. 15 /72
<i>amended</i>	410 /72	Aug. 26 /72
Corporations Tax Act, 1972			
General.....	...	350 /73	June 23 /73
<i>amended</i>	121 /74	Mar. 16 /74
<i>amended</i>	254 /75	Apr. 26 /75
Costs of Distress Act			
Costs.....	140	.....	.....
County Courts Act			
Sittings of the County and District Courts			
District of Kenora.....	...	963 /74	Jan. 4 /75
District of Niagara South.....	...	58 /75	Feb. 15 /75
District of Niagara South.....	...	285 /75	May 3 /75
District of Niagara South.....	...	476 /75	June 21 /75
District of Ontario.....	...	895 /74	Dec. 7 /74
District of Parry Sound.....	...	925 /74	Dec. 21 /74
District of Thunder Bay.....	...	507 /75	July 5 /75
District of Waterloo.....	...	851 /74	Nov. 23 /74
District of Waterloo.....	...	481 /75	June 21 /75
County Judges Act			
County and District Court Districts.....	...	96 /71	Mar. 6 /71
Shorthand Writers.....	141	.....	.....
County of Oxford Act, 1974			
Order of the Minister			
election of councils—area municipalities—school boards	589 /74	Aug. 24 /74
<i>amended</i>	619 /74	Sept. 7 /74
the County of Oxford being deemed a regional municip-	...	917 /74	Dec. 14 /74
ality for the purposes of certain Acts.....	...	917 /74	Dec. 14 /74
facilitating the placement of staff in the structure of	...	918 /74	Dec. 14 /74
the County and area municipalities.....	...	918 /74	Dec. 14 /74
a vote of the electors—the name “Township of Zorra”.	...	987 /74	Jan. 11 /75
Credit Unions Act			
Incorporation.....	142	.....	.....
<i>amended</i>	446 /71	Nov. 6 /71
<i>amended</i>	197 /73	Apr. 21 /73
Rate of Interest and Charges.....	...	489 /74	July 13 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Crop Insurance Act (Ontario)			
Arbitration Proceedings	143	.....	.....
Crop Insurance Plan			
Apples	144	.....	.....
<i>amended</i>	210 /71	May 29 /71
<i>amended</i>	229 /72	May 27 /72
<i>amended</i>	358 /74	May 25 /74
<i>amended</i>	324 /75	May 17 /75
Beets	317 /72	July 15 /72
<i>amended</i>	359 /74	May 25 /74
<i>amended</i>	388 /75	June 7 /75
Burley Tobacco	564 /75	July 19 /75
Coloured Beans	304 /73	June 2 /73
<i>amended</i>	360 /74	May 25 /74
<i>amended</i>	347 /74	May 24 /75
Corn	187 /72	May 6 /72
<i>amended</i>	115 /73	Mar. 24 /73
<i>amended</i>	259 /73	May 12 /73
<i>amended</i>	396 /74	June 8 /74
<i>amended</i>	344 /75	May 24 /75
Green and Wax Beans	516 /75	July 5 /75
Flue-Cured Tobacco	215 /73	Apr. 28 /73
<i>amended</i>	362 /74	May 25 /74
<i>amended</i>	386 /75	June 7 /75
Grapes	555 /72	Dec. 9 /72
<i>amended</i>	363 /74	May 25 /74
<i>amended</i>	384 /75	June 7 /75
Hay	367 /73	July 7 /73
<i>amended</i>	364 /74	May 25 /74
Hay Seeding Establishment	365 /74	May 25 /74
<i>amended</i>	491 /75	June 28 /75
Lima Beans	515 /75	July 5 /75
Onions Grown From Seed	366 /74	May 25 /74
<i>amended</i>	492 /75	June 28 /75
Onions Grown From Sets	367 /74	May 25 /74
<i>amended</i>	493 /75	June 28 /75
Peaches	30 /73	Feb. 10 /73
<i>amended</i>	369 /74	May 25 /74
<i>amended</i>	325 /75	May 17 /75
Pears	104 /74	Mar. 9 /74
<i>amended</i>	370 /74	May 25 /74
<i>amended</i>	326 /75	May 17 /75
Peas	148	.....	.....
<i>amended</i>	171 /71	May 8 /71
<i>amended</i>	231 /72	May 27 /72
<i>amended</i>	220 /73	May 5 /73
<i>amended</i>	368 /74	May 25 /74
<i>amended</i>	387 /75	June 7 /75
Potatoes	319 /72	July 15 /72
<i>amended</i>	* 371 /74	May 25 /74
<i>amended</i>	385 /75	June 7 /75
Seed Corn	517 /75	July 5 /75
Sour Cherries	102 /74	Mar. 9 /74
<i>amended</i>	323 /75	May 17 /75

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Crop Insurance Act (Ontario)—Continued				
Crop Insurance Plan—Continued				
Soybeans	150	.....	.....
<i>amended</i> . . . . .	...	187 /71	May 22 /71	
<i>amended</i> . . . . .	...	230 /72	May 27 /72	
<i>amended</i> . . . . .	...	373 /74	May 25 /74	
<i>amended</i> . . . . .	...	345 /75	May 24 /75	
Spring Grain	151	.....	.....
<i>amended</i> . . . . .	...	233 /72	May 27 /72	
<i>amended</i> . . . . .	...	116 /73	Mar. 24 /73	
<i>amended</i> . . . . .	...	374 /74	May 25 /74	
<i>amended</i> . . . . .	...	348 /75	May 24 /75	
Sweet Cherries . . . . .	...	103 /74	Mar. 9 /74	
<i>amended</i> . . . . .	...	322 /75	May 17 /75	
Sweet Corn	152	.....	.....
<i>amended</i> . . . . .	...	170 /71	May 8 /71	
<i>amended</i> . . . . .	...	235 /72	May 27 /72	
<i>amended</i> . . . . .	...	221 /73	May 5 /73	
<i>amended</i> . . . . .	...	375 /74	May 25 /74	
<i>amended</i> . . . . .	...	389 /75	June 7 /75	
Tomatoes	153	.....	.....
<i>amended</i> . . . . .	...	172 /71	May 8 /71	
<i>amended</i> . . . . .	...	224 /73	May 5 /73	
<i>amended</i> . . . . .	...	397 /74	June 8 /74	
<i>amended</i> . . . . .	...	563 /75	July 19 /75	
White Beans	154	.....	.....
<i>amended</i> . . . . .	...	188 /71	May 22 /71	
<i>amended</i> . . . . .	...	234 /72	May 27 /72	
<i>amended</i> . . . . .	...	376 /74	May 25 /74	
<i>amended</i> . . . . .	...	346 /75	May 24 /75	
Winter Wheat	155	.....	.....
<i>amended</i> . . . . .	...	379 /71	Sept. 25 /71	
<i>amended</i> . . . . .	...	458 /71	Nov. 13 /71	
<i>amended</i> . . . . .	...	705 /73	Dec. 1 /73	
<i>amended</i> . . . . .	...	377 /74	May 25 /74	
<i>amended</i> . . . . .	...	763 /74	Oct. 26 /74	
Crop Insurance Plans				
Designation of Insurable Crops . . . . .	...	495 /75	June 28 /75	
General	156	.....	.....
<i>amended</i> . . . . .	...	494 /75	June 28 /75	
Crown Employees Collective Bargaining Act, 1972				
General . . . . .	...	577 /72	Dec. 30 /72	
<i>amended</i> . . . . .	...	150 /73	Apr. 7 /73	
Rules of Procedure . . . . .	...	151 /73	Apr. 7 /73	
Crown Timber Act				
General	159	.....	.....
<i>amended</i> . . . . .	...	161 /72	Apr. 22 /72	
<i>amended</i> . . . . .	...	418 /73	July 21 /73	
<i>amended</i> . . . . .	...	335 /74	May 18 /74	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	

D

Day Nurseries Act

General	160	.....	.....
<i>amended</i> . . . . .	...	232 /71	June 12 /71
<i>amended</i> . . . . .	...	547 /71	Jan. 15 /72
<i>amended</i> . . . . .	...	239 /72	May 27 /72
<i>amended</i> . . . . .	...	82 /73	Mar. 10 /73
<i>amended</i> . . . . .	...	797 /73	Dec. 29 /73
<i>amended</i> . . . . .	...	148 /74	Mar. 30 /74
<i>amended</i> . . . . .	...	826 /74	Nov. 16 /74
<i>amended</i> . . . . .	...	962 /74	Jan. 4 /75
<i>amended</i> . . . . .	...	972 /74	Jan. 4 /75

Dead Animal Disposal Act

General	161	.....	.....
<i>amended</i> . . . . .	...	751 /73	Dec. 15 /73

Dental Technicians Act

General	162	.....	.....
<i>amended</i> . . . . .	...	490 /75	June 28 /75

Dentistry Act

Dental Hygienists	163	.....	.....
<i>amended</i> . . . . .	...	445 /72	Sept. 23 /72
Low Cost Denture Service . . . . .	...	61 /73	Mar. 3 /73

Denture Therapists Act, 1974

General . . . . .	...	42 /75	Feb. 8 /75
<i>amended</i> . . . . .	...	373 /75	May 31 /75

Department of Agriculture and Food Act

(See now **Ministry of Agriculture and Food Act**)

(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 5 (1))

Department of Correctional Services Act

(See now **Ministry of Correctional Services Act**)

(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 59 (1))

Department of Colleges and Universities Act, 1971

(See now **Ministry of Colleges and Universities Act, 1971**)

(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 12 (1))

Colleges of Applied Arts and Technology	169	.....	.....
<i>amended</i> . . . . .	...	480 /71	Nov. 27 /71
<i>amended</i> . . . . .	...	30 /72	Feb. 12 /72
Algonquin	170	.....	.....
Cambrian	171	.....	.....
Centennial	172	.....	.....
Conestoga	173	.....	.....
Confederation	174	.....	.....
Durham	175	.....	.....
Fanshawe	176	.....	.....
George Brown	177	.....	.....
Georgian	178	.....	.....
Humber	179	.....	.....

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	

Department of Colleges and Universities Act, 1971—Continued

Colleges of Applied Arts and Technology—Continued

Lambton	180	.....	.....
Loyalist	181	.....	.....
Mohawk	182	.....	.....
Niagara	183	.....	.....
Northern	184	.....	.....
St. Clair	185	.....	.....
St. Lawrence	186	.....	.....
Seneca	187	.....	.....
Sheridan	188	.....	.....
Sir Sandford Fleming	189	.....	.....

Department of Education Act

(See now **Education Act, 1974**, See S.O. 1974, c. 109)

Elementary and Secondary Schools Diplomas	190	.....	.....
(amended see <i>Education Act, 1974</i> , S.O. 1974, c. 109)			
General	191	.....	.....
<i>amended</i> . . . . .	...	391 /71	Sept. 25 /71
<i>amended</i> . . . . .	...	530 /71	Jan. 8 /72
General Legislative Grants	193	.....	.....
General Legislative Grants	194	.....	.....
General Legislative Grants . . . . .	...	59 /71	Feb. 13 /71
<i>amended</i> . . . . .	...	74 /71	Feb. 27 /71
<i>amended</i> . . . . .	...	532 /71	Jan. 8 /72
General Legislative Grant . . . . .	...	124 /71	Apr. 10 /71
General Legislative Grants . . . . .	...	98 /72	Mar. 18 /72
Municipal Recreation Directors' Certificates and Arena Managers' Certificates . . . . .	...	392 /71	Sept. 25 /71
Ontario Schools for the Blind and Ontario Schools for the Deaf	198	.....	.....
(amended see <i>Education Act, 1974</i> , S.O. 1974, c. 109)			
Permanent Teaching Certificates	199	.....	.....
(amended see <i>Education Act, 1974</i> , S.O. 1974, c. 109)			
Programs of Recreation	200	.....	.....
Purchase of Milk	201	.....	.....
Reimbursement for Cost of Education in Territorial Districts or Crown Lands	202	.....	.....
<i>amended</i> . . . . .	...	339 /71	Aug. 21 /71
<i>amended</i> . . . . .	...	29 /72	Feb. 12 /72
<i>amended</i> . . . . .	...	69 /72	Feb. 26 /72
Schools for Trainable Retarded Children	204	.....	.....
<i>amended</i> . . . . .	...	518 /71	Jan. 1 /72
Special Certificates	205	.....	.....
Supervisory Officer's Certificate . . . . .	...	517 /71	Jan. 1 /72
Teachers' Contracts	208	.....	.....

Department of Labour Act

(See now **Ministry of Labour Act**)
(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 82 (1))

Department of Municipal Affairs Act

(See now **Municipal Affairs Act**)
(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 104 (1))

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Department of Revenue Act (<i>See now Ministry of Revenue Act</i>) (<i>title of Act changed April 1st, 1972, See 1972, c. 1, s. 88 (1))</i>)			
Department of Social and Family Services Act (<i>See now Ministry of Community and Social Services Act</i>) (<i>title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 19 (1))</i>)			
Department of Tourism and Information Act (<i>See now The Tourism Act</i>) (<i>title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 79 (1))</i>)			
Deposits Regulation Act			
General.....	223	.....	.....
Development Corporations Act, 1973			
Approval of Loans and Guarantees.....	...	24 /74	Feb. 2 /74
Developmental Services Act, 1974			
General.....	...	213 /74	Apr. 27 /74
<i>amended</i>.....	...	975 /74	Jan. 4 /75
<i>amended</i>.....	...	187 /75	Apr. 5 /75
<i>amended</i>.....	...	279 /75	Apr. 26 /75
Disabled Persons' Allowances Act			
General.....	224	.....	.....
District Municipality of Muskoka Act			
Designation of Last Revised Assessment Rolls and Approval of Levies made in 1971 before Adoption of Estimates..	...	82 /71	Feb. 27 /71
Merged Areas.....	...	134 /71	Apr. 17 /71
Merged Areas.....	...	369 /71	Sept. 18 /71
Order of the Minister.....	...	411 /71	Oct. 9 /71
Order of the Minister taxation levied—merged areas—1972-1973-1974-1975.	...	398 /72	Aug. 19 /72
<i>amended</i>.....	...	40 /75	Feb. 8 /75
District Welfare Administration Boards Act			
Application for Grant Under Section 10 of the Act.....	225	.....	.....
<i>amended</i>.....	...	231 /71	June 12 /71
<i>amended</i>.....	...	84 /73	Mar. 10 /73
<i>amended</i>.....	...	683 /73	Nov. 17 /73
Dog Licensing and Live Stock Poultry Protection Act			
Application for Payment of a Grant.....	...	342 /75	May 24 /75
Dogs at Large in Unorganized Areas.....	226	.....	.....
Drainage Act			
Rules of Practice and Procedure to be Followed in all Pro- ceedings Before the Referee.....	227	.....	.....
Drugless Practitioners Act			
Chiropractors.....	228	.....	.....
<i>amended</i>.....	...	570 /72	Dec. 30 /72
<i>amended</i>.....	...	497 /74	July 20 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Drugless Practitioners Act—Continued			
Classifications	229	.....	.....
General	230	.....	.....
Masseurs	231	.....	.....
Osteopaths	232	.....	.....
<i>amended</i> . . . . .	...	162 /75	Mar. 22 /75
Physiotherapists	233	.....	.....
<i>amended</i> . . . . .	...	39 /73	Feb. 17 /73
<i>amended</i> . . . . .	...	759 /73	Dec. 22 /73
E			
Edible Oil Products Act			
General	234	.....	.....
Education Act, 1974			
(See Department of Education Act, Ministry of Education Act, Secondary Schools and Boards of Education Act, Separate Schools Act, See S.O. 1974, c. 109, s. 272)			
Apportionment 1975 Requisitions . . . . .	...	245 /75	Apr. 19 /75
Calculation of Fees for Pupils . . . . .	...	250 /75	Apr. 19 /75
<i>amended</i> . . . . .	...	527 /75	July 5 /75
Designation of School Divisions in Territorial Districts			
<i>amending</i> Reg. 793 of R.R.O. 1970 . . . . .	...	39 /75	Feb. 8 /75
Diplomas—Elementary and Secondary Schools			
<i>revoking</i> Reg. 190 of R.R.O. 1970 . . . . .	...	105 /75	Mar. 1 /75
District Combined Separate School Zones			
<i>amending</i> Reg. 798 of R.R.O. 1970 . . . . .	...	65 /75	Feb. 15 /75
Early School Leaving . . . . .	...	159 /75	Mar. 22 /75
Fees for Ministry Courses . . . . .	...	623 /75	Aug. 9 /75
General Legislative Grants, 1974			
<i>amending</i> O. Reg. 200 /74 . . . . .	...	104 /75	Mar. 1 /75
General Legislative Grants, 1975 . . . . .	...	244 /75	Apr. 19 /75
Ontario Schools for the Blind and Ontario Schools for the Deaf			
<i>amending</i> Reg. 198 of R.R.O. 1970 . . . . .	...	81 /75	Feb. 22 /75
Permanent Teaching Certificates			
<i>amending</i> Reg. 199 of R.R.O. 1970 . . . . .	...	482 /75	June 21 /75
Practice and Procedure—Boards of Reference . . . . .	...	519 /75	July 5 /75
Special Grants for French-Language Instruction in the National Capital Region . . . . .	...	
<i>amending</i> O. Reg. 366 /73 . . . . .	...	561 /75	July 19 /75
Supervisory Officers . . . . .	...	140 /75	Mar. 15 /75
Textbooks . . . . .	...	258 /75	Apr. 26 /75
<i>amended</i> . . . . .	...	528 /75	July 5 /75
Vocational Building and Equipment Grants			
<i>(revoking)</i> . . . . .	...	379 /75	May 31 /75
Elderly Persons Centres Act			
General	235	.....	.....
<i>amended</i> . . . . .	...	117 /71	Apr. 3 /71
<i>amended</i> . . . . .	...	521 /71	Jan. 1 /72
<i>amended</i> . . . . .	...	40 /72	Feb. 19 /72
<i>amended</i> . . . . .	...	346 /72	July 29 /72

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Elderly Persons Centres Act—Continued			
General—Continued			
<i>amended</i>.....	...	203 /73	Apr. 21 /73
<i>amended</i>.....	...	131 /74	Mar. 23 /74
<i>amended</i>.....	...	794 /74	Nov. 9 /74
Elderly Persons' Housing Aid Act			
Grants.....	236	.....	.....
Election Act			
Fees and Expenses.....	...	565 /75	July 19 /75
<i>amended</i>.....	...	597 /75	Aug. 2 /75
Elevators and Lifts Act			
General.....	238	.....	.....
<i>amended</i>.....	...	92 /72	Mar. 18 /72
<i>amended</i>.....	...	139 /72	Apr. 8 /72
Rope Tows and Ski Lifts.....	239	.....	.....
Embalmers and Funeral Directors Act			
General.....	240	.....	.....
<i>amended</i>.....	...	497 /73	Sept. 1 /73
Employment Agencies Act			
General.....	241	.....	.....
Employment Standards Act and Employment Standards Act, 1974			
Ambulance Service Industry.....	242	.....	.....
<i>amended</i>.....	...	32 /73	Feb. 10 /73
<i>amended</i>.....	...	609 /74	Aug. 31 /74
<i>amended</i>.....	...	273 /75	Apr. 26 /75
Exemptions.....	...	989 /74	Jan. 11 /75
Fruit and Vegetable Processing Industry.....	243	.....	.....
Fruit, Vegetable and Tobacco Harvesters.....	...	320 /75	May 17 /75
General.....	244	.....	.....
<i>amended</i>.....	...	91 /71	Mar. 6 /71
<i>amended</i>.....	...	31 /73	Feb. 10 /73
<i>amended</i>.....	...	770 /73	Dec. 22 /73
<i>amended</i>.....	...	124 /74	Mar. 16 /74
<i>amended</i>.....	...	611 /74	Aug. 31 /74
<i>amended</i>.....	...	988 /74	Jan. 11 /75
<i>amended</i>.....	...	274 /75	Apr. 26 /75
<i>amended</i>.....	...	321 /75	May 17 /75
Highway Transport Industry.....	245	.....	.....
Hotel, Motel, Tourist Resort, Restaurant and Tavern Industry.....	246	.....	.....
<i>amended</i>.....	...	125 /74	Mar. 16 /74
Interurban and Municipal Transportation Industry.....	247	.....	.....
Local Cartage Industry.....	248	.....	.....
Road Buildings Industry.....	249	.....	.....
Sewer and Watermain Construction Industry.....	...	166 /71	May 8 /71
Taxi Industry.....	250	.....	.....
<i>amended</i>.....	...	126 /74	Mar. 16 /74
Termination of Employment.....	251	.....	.....

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Endangered Species Act, 1971			
Endangered Species.....	...	433/73	Aug. 4/73
Energy Act			
Fuel Oil Code.....	...	298/72	July 1/72
<i>amended</i>.....	...	311/73	June 9/73
Gas Utilization Code.....	254	.....	.....
<i>amended</i>.....	...	296/72	July 1/72
<i>amended</i>.....	...	314/73	June 9/73
Propane Storage, Handling and Utilization Code.....	255	.....	.....
<i>amended</i>.....	...	295/72	July 1/72
<i>amended</i>.....	...	313/73	June 9/73
Spacing Units			
Arthur Pool.....	256	.....	.....
Avonry Pool, Township of Sombra.....	257	.....	.....
Clearville.....	259	.....	.....
Colchester South.....	260	.....	.....
Courtright Pool.....	261	.....	.....
Dawn and Sombra (Townships of).....	262	.....	.....
Duncannon Pool.....	263	.....	.....
Egremont (Township of).....	264	.....	.....
Gosfield South (Township of).....	265	.....	.....
Innerkip East Pool.....	266	.....	.....
Innerkip Pool.....	267	.....	.....
Ladysmith Pool.....	268	.....	.....
Malden (Township of).....	269	.....	.....
Moore (Township of).....	270	.....	.....
Otter Creek East Pool.....	271	.....	.....
Otter Creek Pool.....	272	.....	.....
Oxley Field.....	273	.....	.....
Ruscom River Pool.....	274	.....	.....
St. Patrick's Pool.....	...	86/71	Mar. 6/71
Terminus North Pool.....	275	.....	.....
Townsend Pool.....	277	.....	.....
Verschoyle West Pool.....	278	.....	.....
Willey Field.....	279	.....	.....
Wilsonville Pool.....	280	.....	.....
Wilsonville South Pool.....	281	.....	.....
Transmission and Distribution Pipe Line Code.....	283	.....	.....
<i>amended</i>.....	...	15/71	Jan. 23/71
<i>amended</i>.....	...	297/72	July 1/72
<i>amended</i>.....	...	312/73	June 9/73
Environmental Protection Act, 1971			
Advisory Board.....	9	.....	.....
Air Contaminants from Ferrous Foundries.....	11	.....	.....
Air Contaminants from Motor Vehicles.....	12	.....	.....
Air Contaminants from 1969 Model Motor Vehicles.....	13	.....	.....
Ambient Air Quality Criteria.....	...	872/74	Nov. 30/74
<i>amended</i>.....	...	158/75	Mar. 22/75
Asphalt Paving Plants.....	...	183/72	May 6/73
Classes of Contaminants—Exemptions.....	...	505/72	Oct. 28/72
Deep Well Disposal.....	...	152/73	Apr. 7/73
<i>amended</i>.....	...	231/74	May 4/74
<i>amended</i>.....	...	232/74	May 4/74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Environmental Protection Act, 1971—Continued			
Discharge of Sewage from Pleasure Boats.....	644	.....	.....
(See S.O. 1971, c. 86, s. 27 (1))			
<i>amended</i>.....	...	419 /74	June 22 /74
Disposable Containers for Milk.....	...	368 /72	Aug. 12 /72
Disposable Paper Containers for Milk.....	...	533 /72	Nov. 18 /72
Evaporative Emissions from New Light Duty Motor Vehicles.....	14	.....	.....
General.....	15	.....	.....
<i>amended</i>.....	...	873 /74	Nov. 30 /74
General.....	824	.....	.....
(See S.O. 1971, c. 86, s. 48 (4))			
<i>amended</i>.....	...	217 /83	Apr. 28 /73
<i>amended</i>.....	...	382 /73	July 7 /73
<i>amended</i>.....	...	75 /74	Feb. 23 /74
Grants.....	16	.....	.....
Marinas.....	646	.....	.....
(See S.O. 1971, c. 86, s. 27 (1))			
Sewage Systems.....	...	229 /74	May 4 /74
<i>amended</i>.....	...	944 /74	Dec. 28 /74
<i>amended</i>.....	...	237 /75	Apr. 19 /75
Sulphur Content of Fuels.....	17	.....	.....
(See S.O. 1971, c. 86, s. 21 (1))			
<i>amended</i>.....	...	157 /73	Apr. 7 /73
Escheats Act			
Fees.....	284	.....	.....
Executive Council Act			
Assignment of Administration of Acts to Designated Members of the Executive Council.....	...	171 /72	Apr. 22 /72
<i>amended</i>.....	...	178 /72	Apr. 29 /72
Assignment of Power and Duty.....	...	504 /75	June 28 /75
Expropriations Act			
Co-operative Development—North Pickering.....	...	575 /72	Dec. 30 /72
Forms.....	285	.....	.....
Rules of Practice and Procedure of the Land Compensation Board.....	286	.....	.....
Rules to be applied for the Purposes of Subsection 1 of Section 33 of the Act.....	...	491 /71	Dec. 4 /71
F			
Family Benefits Act			
General.....	287	.....	.....
<i>amended</i>.....	...	73 /71	Feb. 27 /71
<i>amended</i>.....	...	153 /71	May 1 /71
<i>amended</i>.....	...	60 /72	Feb. 26 /72
<i>amended</i>.....	...	381 /72	Aug. 12 /72
<i>amended</i>.....	...	581 /72	Jan. 6 /73
<i>amended</i>.....	...	187 /73	Apr. 14 /73
<i>amended</i>.....	...	380 /73	July 7 /73
<i>amended</i>.....	...	685 /73	Nov. 17 /73
<i>amended</i>.....	...	715 /73	Dec. 1 /73

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Family Benefits Act—Continued				
General—Continued				
amended.....	...	801/73	Dec. 29/73	
amended.....	...	821/73	Jan. 12/74	
amended.....	...	214/74	Apr. 27/74	
amended.....	...	215/74	Apr. 27/74	
amended.....	...	337/74	May 18/74	
amended.....	...	533/74	July 27/74	
amended.....	...	777/74	Oct. 26/74	
amended.....	...	778/74	Oct. 26/74	
amended.....	...	16/75	Feb. 1/75	
amended.....	...	336/75	May 17/75	
amended.....	...	417/75	June 7/75	
amended.....	...	567/75	July 19/75	
Farm Products Containers Act				
Fruit and Vegetables.....	288	.....	.....
amended.....	...	502/72	Oct. 28/72	
Farm Products Grades and Sales Act				
Apples				
Cold Storage.....	289	.....	.....
Burley Tobacco.....	...	343/75	May 24/75	
Christmas Trees				
Grades.....	290	.....	.....
amended.....	...	31/74	Feb. 9/74	
Dairy Products.....	291	.....	.....
Flue-Cured Tobacco.....	292	.....	.....
Fruit and Vegetables				
Grades.....	293	.....	.....
amended.....	...	297/71	July 31/71	
amended.....	...	471/71	Nov. 27/71	
amended.....	...	335/72	July 15/72	
amended.....	...	455/73	Aug. 18/73	
amended.....	...	31/74	Feb. 9/74	
amended.....	...	230/74	May 4/74	
amended.....	...	452/74	June 29/74	
Inspection.....	294	.....	.....
Licences.....	...	372/75	May 31/75	
Grades for Beef and Veal.....	296	.....	.....
Grades for Poultry.....	...	204/72	May 20/72	
Honey.....	297	.....	.....
amended.....	...	507/74	July 20/74	
Maple Products.....	298	.....	.....
Farm Products Marketing Act				
Apples				
Marketing.....	300	.....	.....
amended.....	...	606/75	Aug. 2/75	
Plan.....	301	.....	.....
amended.....	...	605/75	Aug. 2/75	
Transfer of Assets of Local Board.....	302	.....	.....
Arbitration of Disputes.....	303	.....	.....

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Farm Products Marketing Act—Continued				
Asparagus				
Plan.....	304	.....	.....
<i>amended</i>.....	...	52/72	Feb. 26/72	
Marketing.....	305	.....	.....
<i>amended</i>.....	...	263/71	July 3/71	
Beans				
Plan.....	306	.....	.....
<i>amended</i>.....	...	44/71	Feb. 6/71	
Marketing.....	307	.....	.....
<i>amended</i>.....	...	45/71	Feb. 6/71	
<i>amended</i>.....	...	80/72	Mar. 4/72	
<i>amended</i>.....	...	568/75	July 19/75	
Berries for Processing				
Plan.....	308	.....	.....
<i>amended</i>.....	...	78/72	Mar. 4/72	
Marketing.....	309	.....	.....
<i>amended</i>.....	...	23/72	Feb. 5/72	
Broiler Chickens and Roaster Chickens				
Plan.....	310	.....	.....
<i>amended</i>.....	...	53/72	Feb. 26/72	
<i>amended</i>.....	...	462/72	Sept. 30/72	
Marketing.....	311	.....	.....
<i>amended</i>.....	...	463/72	Sept. 30/72	
<i>amended</i>.....	...	592/72	Jan. 13/73	
<i>amended</i>.....	...	128/75	Mar. 8/75	
Burley Tobacco				
Plan.....	...	430/74	June 22/74	
Marketing.....	...	436/74	June 22/74	
By-Laws for Local Boards.....	312	.....	.....
Celery				
Plan.....	313	.....	.....
Marketing.....	314	.....	.....
Eggs				
Plan.....	...	593/72	Jan. 13/73	
<i>amended</i>.....	...	183/74	Apr. 13/74	
<i>amended</i>.....	...	764/74	Oct. 26/74	
<i>amended</i>.....	...	433/75	June 14/75	
Marketing.....	...	594/72	Jan. 13/73	
<i>amended</i>.....	...	243/73	May 5/73	
<i>amended</i>.....	...	184/74	Apr. 13/74	
<i>amended</i>.....	...	634/74	Sept. 14/74	
<i>amended</i>.....	...	897/74	Dec. 7/74	
<i>amended</i>.....	...	434/75	June 14/75	
Marketing Limitations.....	...	595/72	Jan. 13/73	
Fresh Fruit				
Plan.....	317	.....	.....
Marketing.....	318	.....	.....
<i>amended</i>.....	...	81/72	Mar. 4/72	
Fresh Grapes				
Plan.....	319	.....	.....
<i>amended</i>.....	...	537/72	Nov. 25/72	
Marketing.....	320	.....	.....
<i>amended</i>.....	...	264/71	July 3/71	

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Farm Products Marketing Act <i>Continued</i>				
Fresh Vegetables				
Plan.....	321	.....	.....
Marketing.....	322	.....	.....
Grapes for Processing				
Plan.....	323	.....	.....
<i>amended</i>.....	...	131 /73	Mar. 31 /73	
Marketing.....	324	.....	.....
<i>amended</i>.....	...	265 /71	July 3 /71	
<i>amended</i>.....	...	22 /72	Feb. 5 /72	
<i>amended</i>.....	...	202 /73	Apr. 21 /73	
Greenhouse Vegetables				
Plan.....	325	.....	.....
Marketing.....	326	.....	.....
<i>amended</i>.....	...	266 /71	July 3 /71	
<i>amended</i>.....	...	334 /72	July 15 /72	
Hogs				
Plan.....	327	.....	.....
<i>amended</i>.....	...	114 /73	Mar. 24 /73	
<i>amended</i>.....	...	32 /74	Feb. 9 /74	
Marketing.....	328	.....	.....
<i>amended</i>.....	...	419 /71	Oct. 9 /71	
<i>amended</i>.....	...	656 /74	Sept. 14 /74	
Local Boards.....	329	.....	.....
Onions				
Plan.....	330	.....	.....
<i>amended</i>.....	...	77 /72	Mar. 4 /72	
Marketing.....	331	.....	.....
Seed-Corn				
Plan.....	332	.....	.....
Marketing.....	333	.....	.....
Soya-Beans				
Plan.....	334	.....	.....
Marketing.....	335	.....	.....
<i>amended</i>.....	...	161 /73	Apr. 14 /73	
<i>amended</i>.....	...	439 /73	Aug. 11 /73	
Started Pullets				
Dissolution of Local Board.....	...	185 /74	Apr. 13 /74	
Plan.....	...	238 /73	May 5 /73	
Marketing.....	...	244 /73	May 5 /73	
Sugar-Beets				
Plan.....	336	.....	.....
Marketing.....	337	.....	.....
Tender Fruit for Processing				
Plan.....	338	.....	.....
<i>amended</i>.....	...	134 /73	Mar. 31 /73	
Marketing.....	339	.....	.....
<i>amended</i>.....	...	21 /72	Feb. 5 /72	
<i>amended</i>.....	...	135 /73	Mar. 31 /73	
Tobacco				
Plan.....	340	.....	.....
<i>amended</i>.....	...	398 /74	June 8 /74	
Marketing.....	341	.....	.....
<i>amended</i>.....	...	79 /72	Mar. 4 /72	
<i>amended</i>.....	...	78 /73	Mar. 10 /73	
<i>amended</i>.....	...	162 /73	Apr. 14 /73	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Farm Products Marketing Act—Continued			
Tomato Seedling Plants for Processing			
Plan.....	...	116 /74	Mar. 16 /74
Marketing.....	...	117 /74	Mar. 16 /74
<i>amended</i>.....	...	296 /75	May 3 /75
Turkeys			
Plan.....	342	.....	.....
<i>amended</i>.....	...	163 /73	Apr. 14 /73
<i>amended</i>.....	...	180 /73	Apr. 14 /73
<i>amended</i>.....	...	388 /73	July 7 /73
Marketing.....	343	.....	.....
<i>amended</i>.....	...	164 /73	Apr. 14 /73
<i>amended</i>.....	...	303 /73	June 2 /73
<i>amended</i>.....	...	669 /73	Nov. 17 /73
<i>amended</i>.....	...	429 /74	June 22 /74
Marketing Limitations.....	...	428 /74	June 22 /74
Vegetables for Processing			
Plan.....	344	.....	.....
<i>amended</i>.....	...	51 /72	Feb. 26 /72
<i>amended</i>.....	...	293 /73	June 2 /73
Marketing.....	345	.....	.....
<i>amended</i>.....	...	24 /72	Feb. 5 /72
<i>amended</i>.....	...	294 /73	June 2 /73
<i>amended</i>.....	...	23 /74	Feb. 2 /74
<i>amended</i>.....	...	48 /74	Feb. 16 /74
<i>amended</i>.....	...	49 /74	Feb. 16 /74
Wheat			
Plan.....	346	.....	.....
<i>amended</i>.....	...	132 /73	Mar. 31 /73
<i>amended</i>.....	...	605 /74	Aug. 31 /74
Marketing.....	...	413 /73	July 21 /73
<i>amended</i>.....	...	444 /73	Aug. 11 /73
Farm Products Payments Act			
General.....	348	.....	.....
<i>amended</i>.....	...	431 /74	June 22 /74
Financial Administration Act			
Permit for Living Accommodation.....	349	.....	.....
Fire Departments Act			
Filing in Supreme Court of Decision of Arbitrator or Arbitra- tion Board.....	351	.....	.....
Standards for Pumpers.....	352	.....	.....
Fire Marshals Act			
General.....	353	.....	.....
<i>amended</i>.....	...	931 /74	Dec. 21 /74
Forest Fires Prevention Act			
Fire Districts.....	354	.....	.....
<i>amended</i>.....	...	502 /74	July 20 /74
Restricted Fire Zone.....	...	340 /75	May 24 /75
Restricted Fire and Travel Zone (<i>revoking</i>).....	...	615 /75	Aug. 9 /75

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Forestry Act				
Nurseries.....	355	.....	.....
<i>amended</i>.....	...	191/72	May 13/72	
<i>amended</i>.....	...	306/72	July 8/72	
Freshwater Fish Marketing Act (Ontario)				
General.....	356	.....	.....
<i>amended</i>.....	...	128/73	Mar. 31/73	
<i>amended</i>.....	...	543/75	July 12/75	
Fur Farms Act, 1971				
General.....	...	255/72	June 10/72	
G				
Game and Fish Act				
Bobcat.....	...	814/74	Nov. 9/74	
Bobwhite Quail and Pheasant—Propagation and Sale.....	357	.....	.....
Buffalo.....	358	.....	.....
Bullfrogs.....	359	.....	.....
Crown Game Preserves.....	360	.....	.....
<i>amended</i>.....	...	109/73	Mar. 24/73	
<i>amended</i>.....	...	660/74	Sept. 21/74	
Designation of Class of Licence.....	...	516/73	Sept. 1/73	
Discharge of Fire-Arms From or Across Highways and Roads	362	.....	.....
Fire-Arms.....	...	48/75	Feb. 15/75	
Fishing Huts.....	364	.....	.....
<i>amended</i>.....	...	533/71	Jan. 8/72	
Fishing Licences.....	365	.....	.....
<i>amended</i>.....	...	39/71	Feb. 6/71	
<i>amended</i>.....	...	15/72	Feb. 5/72	
<i>amended</i>.....	...	257/72	June 17/72	
<i>amended</i>.....	...	447/72	Sept. 23/72	
<i>amended</i>.....	...	618/73	Oct. 20/73	
<i>amended</i>.....	...	112/74	Mar. 9/74	
<i>amended</i>.....	...	475/74	July 13/74	
<i>amended</i>.....	...	49/75	Feb. 15/75	
Fur Royalties.....	366	.....	.....
Furs.....	367	.....	.....
<i>amended</i>.....	...	260/71	July 3/71	
<i>amended</i>.....	...	258/72	June 17/72	
<i>amended</i>.....	...	389/72	Aug. 19/72	
<i>amended</i>.....	...	26/73	Feb. 3/73	
<i>amended</i>.....	...	212/73	Apr. 28/73	
<i>amended</i>.....	...	662/74	Sept. 21/74	
<i>amended</i>.....	...	887/74	Nov. 30/74	
Game Bird Hunting Preserves.....	368	.....	.....
Guides.....	369	.....	.....
Hunter Safety Training Courses.....	370	.....	.....
Hunting in Lake Superior Provincial Park.....	...	94/75	Mar. 1/75	
Hunting Licences				
Issuance.....	371	.....	.....
<i>amended</i>.....	...	182/72	May 6/72	
<i>amended</i>.....	...	369/73	July 7/73	
<i>amended</i>.....	...	111/74	Mar. 9/74	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Game and Fish Act—Continued			
Hunting Licences—Continued			
Issuance—Continued			
<i>amended</i>	554 /74	Aug. 10 /74
<i>amended</i>	706 /74	Oct. 12 /74
<i>amended</i>	149 /75	Mar. 22 /75
Hunting on Crown Lands			
Geographic Townships of Bruton and Clyde.....	372	.....	.....
Hunting on Designated Crown Land and in Provincial Parks.....			
<i>amended</i>	373	.....	.....
<i>amended</i>	428 /71	Oct. 16 /71
<i>amended</i>	454 /71	Nov. 6 /71
<i>amended</i>	521 /72	Nov. 11 /72
<i>amended</i>	533 /73	Sept. 8 /73
<i>amended</i>	628 /74	Sept. 14 /74
Lake St. Lawrence Hunting Area.....	...	25 /75	Feb. 8 /75
Luther Marsh Hunting Area.....	...	426 /71	Oct. 16 /71
<i>amended</i>	459 /72	Sept. 30 /72
<i>amended</i>	590 /75	Aug. 2 /75
Open Seasons			
Black Bear.....	...	554 /75	July 12 /75
Fur-Bearing Animals.....	...	612 /74	Aug. 31 /74
<i>amended</i>	806 /74	Nov. 9 /74
<i>amended</i>	582 /75	July 26 /75
Game Birds.....	...	150 /75	Mar. 22 /75
<i>amended</i>	435 /75	June 14 /75
Moose and Deer.....	...	93 /75	Mar. 1 /75
<i>amended</i>	555 /75	July 12 /75
Rabbit and Squirrel.....	...	32 /75	Feb. 8 /75
Orangeville Reservoir Hunting Area.....	...	687 /73	Nov. 17 /73
Permit to Export Game.....	375	.....	.....
Polar Bears.....	...	115 /71	Mar. 20 /71
Sale of Bass and Trout and Fishing Preserves.....	...	181 /71	May 22 /71
<i>amended</i>	41 /72	Feb. 19 /72
<i>amended</i>	517 /73	Sept. 1 /73
Snares.....	377	.....	.....
Trap-Line Areas.....	378	.....	.....
Wolves in Captivity.....	379	.....	.....
<i>amended</i>	392 /73	July 14 /73
Gasoline Handling Act			
Gasoline Handling Code.....	380	.....	.....
<i>amended</i>	585 /72	Jan. 6 /73
<i>amended</i>	734 /73	Dec. 15 /73
<i>amended</i>	155 /74	Mar. 30 /74
<i>amended</i>	941 /74	Dec. 28 /74
Gasoline Tax Act, 1973			
General.....	...	746 /73	Dec. 15 /73
<i>amended</i>	265 /75	Apr. 26 /75
General Sessions Act			
Sittings of the General Sessions of the Peace			
District of Kenora.....	...	963 /74	Jan. 4 /75
District of Niagara South.....	...	58 /75	Feb. 15 /75
District of Niagara South.....	...	285 /75	May 3 /75

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
General Sessions Act—Continued				
Sittings of the General Sessions of the Peace— <i>Continued</i>				
District of Niagara South.....	...	476 /75	June 21 /75	
District of Ontario.....	...	895 /74	Dec. 7 /74	
District of Thunder Bay.....	...	507 /75	July 5 /75	
District of Waterloo.....	...	851 /74	Nov. 23 /74	
District of Waterloo.....	...	481 /75	June 21 /75	
General Welfare Assistance Act				
Dependent Fathers.....	382	.....	.....
General.....	383	.....	.....
<i>amended</i>.....	...	100 /71	Mar. 13 /71
<i>amended</i>.....	...	154 /71	May 1 /71
<i>amended</i>.....	...	248 /71	June 19 /71
<i>amended</i>.....	...	276 /71	July 10 /71
<i>amended</i>.....	...	63 /72	Feb. 26 /72
<i>amended</i>.....	...	88 /72	Mar. 11 /72
<i>amended</i>.....	...	338 /72	July 22 /72
<i>amended</i>.....	...	14 /73	Jan. 27 /73
<i>amended</i>.....	...	186 /73	Apr. 14 /73
<i>amended</i>.....	...	379 /73	July 7 /73
<i>amended</i>.....	...	451 /73	Aug. 18 /73
<i>amended</i>.....	...	560 /73	Sept. 15 /73
<i>amended</i>.....	...	686 /73	Nov. 17 /73
<i>amended</i>.....	...	714 /73	Dec. 1 /73
<i>amended</i>.....	...	798 /73	Dec. 29 /73
<i>amended</i>.....	...	822 /73	Jan. 12 /74
<i>amended</i>.....	...	714 /73	Dec. 1 /73
<i>amended</i>.....	...	216 /74	Apr. 27 /74
<i>amended</i>.....	...	532 /74	July 27 /74
<i>amended</i>.....	...	779 /74	Oct. 26 /74
<i>amended</i>.....	...	84 /75	Feb. 22 /75
<i>amended</i>.....	...	277 /75	Apr. 26 /75
<i>amended</i>.....	...	418 /75	June 7 /75
Indian Bands.....	384	.....	.....
<i>amended</i>.....	...	174 /71	May 8 /71
<i>amended</i>.....	...	319 /71	Aug. 7 /71
<i>amended</i>.....	...	350 /72	July 29 /72
<i>amended</i>.....	...	470 /72	Sept. 30 /72
<i>amended</i>.....	...	684 /73	Nov. 17 /73
<i>amended</i>.....	...	532 /74	July 27 /74
<i>amended</i>.....	...	604 /74	Aug. 31 /74
<i>amended</i>.....	...	780 /74	Oct. 26 /74
Widows and Unmarried Women.....	385	.....	.....
Gift Tax Act, 1972				
Charitable Organizations.....	...	523 /74	July 27 /74	
<i>amended</i>.....	...	602 /75	Aug. 2 /75
General.....	...	54 /73	Feb. 24 /73	
Grain Elevator Storage Act				
General.....	386	.....	.....

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	

Guarantee Companies Securities Act

Approved Guarantee Companies	387	.....	.....
<i>amended</i> .....	...	541 /71	Jan. 8 /72
<i>amended</i> .....	...	37 /72	Feb. 19 /72
<i>amended</i> .....	...	240 /72	May 27 /72
<i>amended</i> .....	...	465 /72	Sept. 30 /72
<i>amended</i> .....	...	252 /73	May 12 /73
<i>amended</i> .....	...	267 /73	May 26 /73
<i>amended</i> .....	...	370 /73	July 7 /73
<i>amended</i> .....	...	543 /73	Sept. 15 /73
<i>amended</i> .....	...	690 /74	Sept. 28 /74
<i>amended</i> .....	...	600 /75	Aug. 2 /75

H**Health Disciplines Act, 1974**

Dentistry .....	...	576 /75	July 26 /75
Medicine .....	...	577 /75	July 26 /75
Nursing .....	...	578 /75	July 26 /75
Pharmacy .....	...	579 /75	July 26 /75
Optometry .....	...	585 /75	July 26 /75

Health Insurance Act, 1972

General .....	...	323 /72	July 15 /72
<i>amended</i> .....	...	580 /72	Jan. 6 /73
<i>amended</i> .....	...	218 /73	Apr. 28 /73
<i>amended</i> .....	...	241 /73	May 5 /73
<i>amended</i> .....	...	357 /73	June 30 /73
<i>amended</i> .....	...	762 /73	Dec. 22 /73
<i>amended</i> .....	...	809 /73	Jan. 12 /74
<i>amended</i> .....	...	42 /74	Feb. 9 /74
<i>amended</i> .....	...	110 /74	Mar. 9 /74
<i>amended</i> .....	...	165 /74	Apr. 6 /74
<i>amended</i> .....	...	187 /74	Apr. 13 /74
<i>amended</i> .....	...	188 /74	Apr. 13 /74
<i>amended</i> .....	...	220 /74	Apr. 27 /74
<i>amended</i> .....	...	420 /74	June 22 /74
<i>amended</i> .....	...	421 /74	June 22 /74
<i>amended</i> .....	...	460 /74	July 6 /74
<i>amended</i> .....	...	481 /74	July 13 /74
<i>amended</i> .....	...	636 /74	Sept. 14 /74
<i>amended</i> .....	...	637 /74	Sept. 14 /74
<i>amended</i> .....	...	768 /74	Oct. 26 /74
<i>amended</i> .....	...	889 /74	Dec. 7 /74
<i>amended</i> .....	...	947 /74	Dec. 28 /74
<i>amended</i> .....	...	54 /75	Feb. 15 /75
<i>amended</i> .....	...	118 /75	Mar. 8 /75
<i>amended</i> .....	...	120 /75	Mar. 8 /75
<i>amended</i> .....	...	205 /75	Apr. 5 /75
<i>amended</i> .....	...	232 /75	Apr. 12 /75
<i>amended</i> .....	...	239 /75	Apr. 19 /75
<i>amended</i> .....	...	287 /75	May 3 /75
<i>amended</i> .....	...	288 /75	May 3 /75
<i>amended</i> .....	...	290 /75	May 3 /75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	

Health Insurance Act, 1972—Continued

General—Continued

<i>amended</i>	358 /75	May 24 /75
<i>amended</i>	359 /75	May 24 /75
<i>amended</i>	403 /75	June 7 /75
<i>amended</i>	404 /75	June 7 /75
<i>amended</i>	487 /75	June 21 /75
<i>amended</i>	488 /75	June 21 /75
<i>amended</i>	512 /75	July 5 /75
<i>amended</i>	571 /75	July 26 /75
<i>amended</i>	598 /75	Aug. 2 /75

Highway Improvement Act

(See now **The Public Transportation and Highway Improvement Act**)

(title of Act changed July 23rd, 1971, See S.O. 1971, c. 61, s. 1.)

Highway Traffic Act

Appeals.....	408	.....
Axle Weights.....	20 /71	Jan. 23 /71
<i>amended</i>	177 /74	Apr. 13 /74
Certificates of Mechanical Fitness.....	410	.....
<i>amended</i>	476 /74	July 13 /74
Construction Zones.....	411	.....
<i>amended</i>	40 /71	Feb. 6 /71
<i>amended</i>	151 /71	May 1 /71
<i>amended</i>	179 /71	May 15 /71
<i>amended</i>	216 /71	June 5 /71
<i>amended</i>	256 /71	July 3 /71
<i>amended</i>	257 /71	July 3 /71
<i>amended</i>	329 /71	Aug. 14 /71
<i>amended</i>	361 /71	Sept. 4 /71
<i>amended</i>	510 /71	Dec. 25 /71
<i>amended</i>	75 /72	Mar. 4 /72
<i>amended</i>	132 /72	Apr. 1 /72
<i>amended</i>	222 /72	May 27 /72
<i>amended</i>	395 /72	Aug. 19 /72
<i>amended</i>	472 /72	Sept. 30 /72
<i>amended</i>	531 /72	Nov. 18 /72
<i>amended</i>	56 /73	Feb. 24 /73
<i>amended</i>	57 /73	Feb. 24 /73
<i>amended</i>	225 /73	May 5 /73
<i>amended</i>	276 /73	May 26 /73
<i>amended</i>	277 /73	May 26 /73
<i>amended</i>	351 /73	June 23 /73
<i>amended</i>	429 /73	July 28 /73
<i>amended</i>	663 /73	Nov. 10 /73
<i>amended</i>	51 /74	Feb. 16 /74
<i>amended</i>	395 /74	June 8 /74
<i>amended</i>	613 /74	Aug. 31 /74
<i>amended</i>	654 /74	Sept. 14 /74
<i>amended</i>	696 /74	Oct. 5 /74
<i>amended</i>	798 /74	Nov. 9 /74
<i>amended</i>	293 /75	May 3 /75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Highway Traffic Act—Continued			
Construction Zones—Continued			
<i>amended</i>	447 /75	June 14 /75
<i>amended</i>	546 /75	July 12 /75
<i>amended</i>	609 /75	Aug. 9 /75
Dangerous Loads.....	412	.....	.....
Demerit Point System.....	413	.....	.....
<i>amended</i>	367 /72	Aug. 12 /72
<i>amended</i>	93 /73	Mar. 3 /73
Designations of Highways.....	414	.....	.....
Driver Improvement Program.....	...	566 /74	Aug. 10 /74
Driver's Licence Suspension for Default of Payment of Fine.....	...	108 /73	Mar. 17 /73
Driving Instructor's Licence.....	415	.....	.....
Equipment.....	416	.....	.....
<i>amended</i>	226 /73	May 5 /73
<i>amended</i>	57 /74	Feb. 16 /74
<i>amended</i>	491 /74	July 20 /74
Garage Licences.....	...	731 /73	Dec. 15 /73
General.....	418	.....	.....
<i>amended</i>	19 /71	Jan. 23 /71
<i>amended</i>	63 /71	Feb. 13 /71
<i>amended</i>	31 /72	Feb. 12 /72
<i>amended</i>	198 /72	May 13 /72
<i>amended</i>	365 /72	Aug. 12 /72
<i>amended</i>	509 /72	Nov. 4 /72
<i>amended</i>	145 /73	Apr. 7 /73
<i>amended</i>	323 /73	June 16 /73
<i>amended</i>	732 /73	Dec. 15 /73
<i>amended</i>	414 /74	June 15 /74
<i>amended</i>	432 /74	June 22 /74
<i>amended</i>	632 /74	Sept. 14 /74
<i>amended</i>	678 /74	Sept. 28 /74
<i>amended</i>	31 /75	Feb. 8 /75
<i>amended</i>	145 /75	Mar. 22 /75
<i>amended</i>	234 /75	Apr. 12 /75
<i>amended</i>	541 /75	July 12 /75
Gross Weight on Bridges.....	419	.....	.....
<i>amended</i>	439 /72	Sept. 16 /72
Load Limits.....	...	77 /75	Feb. 22 /75
<i>amended</i>	199 /75	Apr. 5 /75
<i>amended</i>	200 /75	Apr. 5 /75
Load Limits on Local Roads Within Local Roads Areas...	...	201 /72	May 13 /72
<i>amended</i>	385 /74	June 1 /74
Notice to have Motor Vehicle Examined and Tested.....	420	.....	.....
Parking.....	421	.....	.....
<i>amended</i>	159 /71	May 1 /71
<i>amended</i>	272 /71	July 3 /71
<i>amended</i>	514 /71	Dec. 25 /71
<i>amended</i>	433 /72	Sept. 9 /72
<i>amended</i>	541 /72	Dec. 2 /72
<i>amended</i>	278 /73	May 26 /73
<i>amended</i>	324 /73	June 16 /73
<i>amended</i>	364 /73	June 30 /73
<i>amended</i>	213 /73	Apr. 28 /73
<i>amended</i>	493 /73	Aug. 25 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Highway Traffic Act—Continued			
Parking—Continued			
<i>amended</i>	561 /73	Sept. 15 /73
<i>amended</i>	414 /74	June 15 /74
<i>amended</i>	432 /74	June 22 /74
<i>amended</i>	709 /74	Oct. 12 /74
<i>amended</i>	759 /74	Oct. 26 /74
<i>amended</i>	866 /74	Nov. 30 /74
<i>amended</i>	198 /75	Apr. 5 /75
<i>amended</i>	467 /75	June 21 /75
<i>amended</i>	518 /75	July 5 /75
Reciprocal Suspension of Licences.....	422	.....	.....
<i>amended</i>	17 /71	Jan. 23 /71
Restricted Use of Left Lanes by Commercial Motor Vehicles	147 /73	Apr. 7 /73
<i>amended</i>	340 /74	May 18 /74
Safety Helmets for Motorcycle Riders.....	423	.....	.....
<i>amended</i>	410 /71	Oct. 2 /71
<i>amended</i>	677 /74	Sept. 28 /74
Safety Standards Certification.....	...	477 /74	July 13 /74
School Buses.....	424	.....	.....
<i>amended</i>	178 /74	Apr. 13 /74
Signs.....	425	.....	.....
<i>amended</i>	366 /72	Aug. 12 /72
<i>amended</i>	710 /74	Oct. 12 /74
<i>amended</i>	79 /75	Feb. 22 /75
Slow-Moving Vehicle Sign.....	426	.....	.....
<i>amended</i>	415 /74	June 15 /74
Special Permits.....	427	.....	.....
<i>amended</i>	711 /74	Oct. 12 /74
Specifications and Standards for Trailer Couplings.....	...	247 /73	May 12 /73
Speed Limits.....	429	.....	.....
<i>amended</i>	175 /71	May 8 /71
<i>amended</i>	254 /71	June 26 /71
<i>amended</i>	283 /71	July 17 /71
<i>amended</i>	343 /71	Aug. 28 /71
<i>amended</i>	501 /71	Dec. 11 /71
<i>amended</i>	512 /71	Dec. 25 /71
<i>amended</i>	91 /72	Mar. 18 /72
<i>amended</i>	221 /72	May 27 /72
<i>amended</i>	221 /72	May 27 /72
<i>amended</i>	308 /72	July 8 /72
<i>amended</i>	342 /72	July 29 /72
<i>amended</i>	440 /72	Sept. 16 /72
<i>amended</i>	457 /72	Sept. 30 /72
<i>amended</i>	526 /72	Nov. 11 /72
<i>amended</i>	34 /73	Feb. 10 /73
<i>amended</i>	91 /73	Mar. 10 /73
<i>amended</i>	138 /73	Mar. 31 /73
<i>amended</i>	149 /73	Apr. 7 /73
<i>amended</i>	159 /73	Apr. 7 /73
<i>amended</i>	269 /73	May 26 /73
<i>amended</i>	270 /73	May 26 /73
<i>amended</i>	271 /73	May 26 /73
<i>amended</i>	325 /73	June 16 /73
<i>amended</i>	326 /73	June 16 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Highway Traffic Act—Continued			
Speed Limits—Continued			
amended.....	...	365 /73	June 30 /73
amended.....	...	390 /73	July 7 /73
amended.....	...	114 /74	Mar. 9 /74
amended.....	...	254 /74	May 11 /74
amended.....	...	255 /74	May 11 /74
amended.....	...	455 /74	June 29 /74
amended.....	...	679 /74	Sept. 28 /74
amended.....	...	863 /74	Nov. 30 /74
amended.....	...	864 /74	Nov. 30 /74
amended.....	...	865 /74	Nov. 30 /74
amended.....	...	924 /74	Dec. 21 /74
amended.....	...	938 /74	Dec. 28 /74
amended.....	...	78 /75	Feb. 22 /75
amended.....	...	272 /75	Apr. 26 /75
amended.....	...	401 /75	June 7 /75
Speed Limits in Provincial Parks.....	430	.....	.....
Speed Limits on Bridges.....	431	.....	.....
amended.....	...	438 /72	Sept. 16 /72
amended.....	...	536 /73	Sept. 15 /73
State of North Carolina—Exemption from the Provisions of Sections 6 and 8 of the Act.....	...	631 /74	Sept. 14 /74
Stop Signs at Intersections.....	432	.....	.....
amended.....	...	160 /71	May 1 /71
amended.....	...	218 /71	June 12 /71
amended.....	...	513 /71	Dec. 25 /71
amended.....	...	414 /72	Sept. 2 /72
amended.....	...	88 /73	Mar. 10 /73
amended.....	...	146 /73	Apr. 7 /73
amended.....	...	327 /73	June 16 /73
amended.....	...	535 /73	Sept. 15 /73
amended.....	...	729 /73	Dec. 15 /73
amended.....	...	257 /74	May 11 /74
amended.....	...	712 /74	Oct. 12 /74
amended.....	...	862 /74	Nov. 30 /74
amended.....	...	246 /75	Apr. 19 /75
Stopping of Vehicles on Parts of the King's Highway.....	...	400 /72	Aug. 19 /72
amended.....	...	256 /74	May 11 /74
amended.....	...	867 /74	Nov. 30 /74
Tire Standards and Specifications.....	433	.....	.....
Use of Controlled-Access Highways by Pedestrians.....	434	.....	.....
amended.....	...	89 /73	Mar. 10 /73
amended.....	...	492 /73	Aug. 25 /73
amended.....	...	730 /73	Dec. 15 /73
amended.....	...	868 /74	Nov. 30 /74
Vehicles on Controlled-Access Highways.....	...	185 /75	Mar. 29 /75
Vehicle Safety.....	435	.....	.....
Historical Parks Act, 1972			
Historical Parks—Fees.....	...	316 /73	June 9 /73
amended.....	...	512 /74	July 20 /74
Parks.....	...	261 /73	May 19 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Homemakers and Nurses Services Act			
General	436	.....	.....
<i>amended</i>	799 /73	Dec. 29 /73
<i>amended</i>	384 /74	May 25 /75
<i>amended</i>	85 /75	Feb. 22 /75
Homes for Retarded Persons Act			
General	437	.....	.....
<i>amended</i>	439 /74	June 29 /74
<i>amended</i>	530 /74	July 27 /74
<i>amended</i>	973 /74	Jan. 4 /75
Homes for Special Care Act			
General	438	.....	.....
<i>amended</i>	535 /71	Jan. 8 /72
<i>amended</i>	57 /72	Feb. 26 /72
<i>amended</i>	219 /72	May 20 /72
<i>amended</i>	212 /74	Apr. 27 /74
<i>amended</i>	231 /75	Apr. 12 /75
<i>amended</i>	357 /75	May 24 /75
Homes for the Aged and Rest Homes Act			
General	439	.....	.....
<i>amended</i>	155 /71	May 1 /71
<i>amended</i>	440 /71	Nov. 6 /71
<i>amended</i>	311 /72	July 8 /72
<i>amended</i>	375 /73	July 7 /73
<i>amended</i>	448 /73	Aug. 18 /73
<i>amended</i>	704 /73	Dec. 1 /73
<i>amended</i>	531 /74	July 27 /74
<i>amended</i>	750 /74	Oct. 19 /74
<i>amended</i>	912 /74	Dec. 14 /74
<i>amended</i>	92 /75	Mar. 1 /75
<i>amended</i>	276 /75	Apr. 26 /75
Hospital Labour Disputes Arbitration Act			
Remuneration of Chairman and Members of Board of Arbitration	552 /74	Aug. 10 /74
<i>amended</i>	610 /74	Aug. 31 /74
Rules of Procedure	441	.....	.....
<i>amended</i>	319 /73	June 9 /73
Hospital Services Commission Act			
Capital Grants for Schools for the Education of Hospital and Related Personnel	442	.....	.....
Loans for Residences for Student Nurses	445	.....	.....
Hotel Fire Safety Act, 1971			
General	366 /71	Sept. 18 /71
<i>amended</i>	154 /75	Mar. 22 /75
Housing Development Act			
General	688 /74	Sept. 28 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Hunter Damage Compensation Act			
General.....	449	.....	.....
<i>amended</i>.....	...	294 /75	May 3 /75
Hypnosis Act			
Application of Section 2 of Act.....	450	.....	.....
I			
Income Tax Act			
General.....	...	559 /72	Dec. 16 /72
<i>amended</i>.....	...	371 /73	July 7 /73
Ontario Property Tax Credit.....	...	118 /73	Mar. 24 /73
Ontario Tax Credit System Regulation.....	...	160 /74	Apr. 6 /74
<i>amended</i>.....	...	426 /74	June 22 /74
Ontario Tax Credit System Regulation.....	...	111 /75	Mar. 1 /75
Industrial Safety Act			
Grain Elevators.....	455	.....	.....
Industrial Safety Act, 1971			
General.....	...	259 /72	June 17 /72
<i>amended</i>.....	...	335 /75	May 17 /75
Industrial Standards Act			
Designation of Industries and Zones.....	456	.....	.....
<i>amended</i>.....	...	382 /71	Sept. 25 /71
Duties of Employers and Advisory Committees.....	457	.....	.....
Interprovincially Competitive Industries.....	458	.....	.....
Publication Costs.....	...	848 /74	Nov. 23 /74
Revocations.....	...	116 /75	Mar. 8 /75
Schedule			
Bricklaying and Stonemasonry Industry			
Hamilton.....	506	.....	.....
Ottawa.....	507	.....	.....
Sarnia.....	508	.....	.....
Thunder Bay.....	509	.....	.....
Toronto.....	510	.....	.....
Carpentry Industry			
Hamilton.....	511	.....	.....
Ottawa.....	512	.....	.....
Windsor.....	513	.....	.....
Common Labourers Construction Industry			
Windsor.....	514	.....	.....
Electrical Repair and Construction Industry			
Ottawa.....	515	.....	.....
St. Thomas.....	516	.....	.....
Toronto.....	517	.....	.....
Fur Industry			
Ontario.....	518	.....	.....
<i>amended</i>.....	...	371 /72	Aug. 12 /72
Ladies' Cloak and Suit Industry			
Ontario.....	...	318 /71	Aug. 7 /71
Ladies' Dress and Sportswear Industry.....	...	847 /74	Nov. 23 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Industrial Standards Act—Continued			
Schedule—Continued			
Lathing Industry			
Ottawa.....	521	.....	.....
Men's and Boys' Clothing Industry			
Ontario.....	522	.....	.....
<i>amended</i>.....	...	479 /71	Nov. 27 /71
<i>amended</i>.....	...	849 /74	Nov. 23 /74
Men's and Boys' Hat and Cap Industry			
Ontario.....	523	.....	.....
Millinery Industry			
Ontario.....	524	.....	.....
Painting and Decorating Industry			
Ottawa.....	525	.....	.....
Thunder Bay.....	526	.....	.....
Toronto.....	527	.....	.....
<i>amended</i>.....	...	423 /71	Oct. 9 /71
Plastering Industry			
Ottawa.....	528	.....	.....
Sarnia.....	529	.....	.....
<i>amended</i>.....	...	321 /74	Aug. 7 /71
Sudbury.....	530	.....	.....
Thunder Bay.....	531	.....	.....
Toronto.....	532	.....	.....
Windsor.....	533	.....	.....
Plumbing and Heating Industry			
Ottawa.....	534	.....	.....
Toronto.....	535	.....	.....
<i>amended</i>.....	...	16 /71	Jan. 23 /71
Windsor.....	536	.....	.....
Sheet-Metal Work Construction Industry			
Ottawa.....	537	.....	.....
Windsor.....	538	.....	.....
Insurance Act			
Agents' Licences for Insurance other than Life Insurance..	539	.....	.....
<i>amended</i>.....	...	281 /71	July 17 /71
Classes of Insurance.....	...	13 /72	Feb. 5 /72
<i>amended</i>.....	...	762 /74	Oct. 26 /74
General.....	541	.....	.....
<i>amended</i>.....	...	13 /72	Feb. 5 /72
Order under paragraph 1 of subsection 2 of section 83 of the Act.....	...	221 /71	June 12 /71
<i>amended</i>.....	...	282 /71	July 17 /71
<i>amended</i>.....	...	173 /72	Apr. 29 /72
<i>amended</i>.....	...	167 /73	Apr. 14 /73
<i>amended</i>.....	...	557 /74	Aug. 10 /74
<i>amended</i>.....	...	558 /74	Aug. 10 /74
<i>amended</i>.....	...	719 /74	Oct. 12 /74
<i>amended</i>.....	...	134 /75	Mar. 15 /75
Life Companies Special Shares—Investment.....	...	519 /73	Sept. 8 /73
Replacement of Life Insurance Contracts.....	...	831 /74	Nov. 16 /74
Schedule of Fees.....	...	259 /74	May 11 /74
Variable Insurance Contracts of Life Insurers.....	...	526 /71	Jan. 1 /72
<i>amended</i>.....	...	157 /75	Mar. 22 /75

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Interpretation Act				
Fees Payable under The Business Corporations Act.....	...	523/71		Jan. 1/72
Investment Contracts Act				
Registration.....	544			
J				
Judicature Act and The Matrimonial Causes Act				
Rules of Practice.....	545			
<i>amended</i>		284/71		July 17/71
<i>amended</i>		285/71		July 17/71
<i>amended</i>		520/71		Jan. 1/72
<i>amended</i>		115/72		Mar. 25/72
<i>amended</i>		307/72		July 8/72
<i>amended</i>		36/73		Feb. 17/73
<i>amended</i>		437/73		Aug. 4/73
<i>amended</i>		761/73		Dec. 22/73
<i>amended</i>		107/74		Mar. 9/74
<i>amended</i>		492/74		July 20/74
<i>amended</i>		106/75		Mar. 1/75
<i>amended</i>		569/75		July 19/75
(see editorial change Ontario Gazette July 26th, 1975, page 1142 (foot pagination))				
Judicature Act				
Stenographic Reporters.....	546			
Junior Farmer Establishment Act				
Application for Bank Loan.....	547			
General.....	548			
Juries Act, 1974				
General.....		800/74		Nov. 9/74
L				
Labour Relations Act				
General.....	549			
<i>amended</i>		30/71		Jan. 30/71
<i>amended</i>		559/74		Aug. 10/74
<i>amended</i>		608/74		Aug. 31/74
Office of the Board.....	550			
<i>amended</i>		473/71		Nov. 27/71
Rules of Procedure.....	551			
<i>amended</i>		29/71		Jan. 30/71
<i>amended</i>		474/71		Nov. 27/71
<i>amended</i>		321/73		June 9/73
(see editorial change Ontario Gazette July 7th, 1973, page 1133 (foot pagination))				
Land Speculation Tax Act, 1974				
Costs of Disposition.....		772/74		Oct. 26/74
<i>amended</i>		810/74		Nov. 9/74
Delegation of Authority of the Minister.....		191/75		Apr. 5/75
Delegation of Authority of the Minister.....		194/75		Apr. 5/75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	

Land Speculation Tax Act, 1974—Continued

Exemption:			
For Certain Quit Claim Deeds, Easements, Ontario Resource Properties, and for Certain Dispositions of Principal Residences or Commercial or Industrial Property.....	...	505 /74	July 20 /74
amended.....	...	700 /74	Oct. 5 /74
Babcock and Wilcox Refractories Limited.....	...	535 /74	July 27 /74
For Leases not Over Fifty Years.....	...	698 /74	Oct. 5 /74
For Certain Non-Resident Life Insurance Companies and Associated Corporations.....	...	774 /74	Oct. 26 /74
Conveyance From East Marstock Lands Limited.....	...	80 /75	Feb. 22 /75
For Transfer of Cemetery Plots.....	...	255 /75	Apr. 26 /75
For Certain Transfers of Principal Residence by Separated Spouses or Divorced Persons.....	...	474 /75	June 21 /75
Payment to Charitable Organization or Conservation Authority.....	...	525 /75	July 5 /75
Mobile Home Parks.....	...	616 /75	Aug. 9 /75
Forms.....	...	707 /74	Oct. 12 /74
Rates of Interest.....	...	331 /75	May 17 /75

Land Titles Act

Code of Standards and Procedure for Surveys and Plans...	552	.....	.....
amended.....	...	182 /73	Apr. 14 /73
Corporations Execpted Under Section 97 of the Act.....	...	523 /75	July 5 /75
Fees.....	...	154 /72	Apr. 15 /72
amended.....	...	815 /73	Jan. 12 /74
amended.....	...	248 /75	Apr. 19 /75
amended.....	...	446 /75	June 14 /74
General.....	553	.....	.....
amended.....	...	149 /72	Apr. 15 /72
amended.....	...	97 /73	Mar. 17 /73
amended.....	...	431 /73	Aug. 4 /73
amended.....	...	59 /74	Feb. 16 /74
amended.....	...	55 /75	Feb. 15 /75
amended.....	...	247 /75	Apr. 19 /75
Land Titles Division.....	554	.....	.....
amended.....	...	233 /71	June 12 /71
amended.....	...	466 /71	Nov. 20 /71
amended.....	...	393 /72	Aug. 19 /72
amended.....	...	155 /73	Apr. 7 /73
amended.....	...	254 /73	May 12 /73
amended.....	...	601 /74	Aug. 31 /74
amended.....	...	627 /74	Sept. 7 /74
amended.....	...	686 /74	Sept. 28 /74
amended.....	...	718 /74	Oct. 12 /74
amended.....	...	817 /74	Nov. 16 /74
amended.....	...	942 /74	Dec. 28 /74
amended.....	...	381 /75	May 31 /75
amended.....	...	572 /75	July 26 /75

Land Transfer Tax Act

Affidavit under Section 4 of the Act.....	...	152 /71	May 1 /71
amended.....	...	251 /73	May 12 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Land Transfer Tax Act, 1974			
Affidavits.....	110/75	Mar. 1/75	
Delegation of Authority of the Minister.....	194/75	Apr. 5/75	
Exemption(s):			
Electrolux Canada Limited—Transferee.....	411/74	June 15/74	
<i>amended</i>	503/74	July 20/74	
For Certain Final Orders of Foreclosure and for Inter- corporate Transfers of Land.....	504/74	July 20/74	
For Certain Leasehold Interests.....	699/74	Oct. 5/74	
Conveyance to White Motor Corporation of Canada Limited.....	701/74	Oct. 5/74	
Devro Canada, Limited—Transferee, Kellogg Company of Canada, Limited—Transferee, C E B Limited— Transferee, 218549 Ontario Limited—Transferee, Thomas Halldor Bjarnason—Transferee.....	702/74	Oct. 5/74	
For Certain Easements Granted to Oil or Gas Pipe Lines	749/74	Oct. 19/74	
For Certain Insurance Companies.....	773/74	Oct. 26/74	
Conveyance to O & K Orenstein & Koppell Canada Limited.....	799/74	Nov. 9/74	
Conveyance to Reynolds and Reynolds (Canada) Limited	811/74	Nov. 9/74	
Conveyance to BDH Chemicals Canada Limited.....	853/74	Nov. 23/74	
Conveyance to Square D Company Canada Limited...	909/74	Dec. 14/74	
<i>amended</i>	266/75	Apr. 26/75	
Conveyance to American Can of Canada Limited.....	910/74	Dec. 14/74	
Conveyance to A & H Bolt & Nut Company Limited..	911/74	Dec. 14/74	
Pluswood of Canada, Inc—Transferee.....	967/74	Jan. 4/75	
Conveyance to the Ontario-Minnesota Pulp & Paper Company Limited.....	974/74	Jan. 4/75	
For Certain Inter-Spousal Transfers.....	138/75	Mar. 15/75	
Dufferin Materials and Construction Limited—Trans- feree, Swedfurn Canada Limited—Transferee, Dart Products National Limited—Transferee.....	165/75	Mar. 29/75	
Humphrey Omatseone.....	167/75	Mar. 29/75	
For Canadian Citizens returning to Reside Permanently in Canada (<i>revoking</i>).....	192/75	Apr. 5/75	
For Foreign Diplomats (<i>revoking</i>).....	193/75	Apr. 5/75	
Eugene C. McVarish—Transferee.....	243/75	Apr. 19/75	
Conveyance to Lewis Binner.....	268/75	Apr. 26/75	
Dow Chemical of Canada Limited.....	361/75	May 24/75	
Dow Chemical of Canada Limited.....	485/75	June 21/75	
Warren Bitulithic Limited in Trust for Ashland Oil Canada Limited.....	501/75	June 28/75	
Forms.....	708/74	Oct. 12/74	
Rates of Interest.....	330/75	May 17/75	
Refund(s):			
Conveyance to H. D. Lee of Canada Ltd., S. A. Armstrong Limited, General Foods Limited, CIBA-Geigy, Canada Ltd., Johnson & Johnson Limited, Austin Lumber (Dalton) Limited.....	874/74	Nov. 30/74	
Conveyance to Rheem Canada Limited, Discoverer Services Limited.....	919/74	Dec. 14/74	
Conveyance to Thomas Built Buses of Canada Limited.	962/74	Jan. 4/75	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Land Transfer Tax Act, 1974—Continued			
Refund(s)—Continued			
Conveyance to Norton Company of Canada Limited, Robin Hood Multifoods Limited, Wippman Services Limited, Swift Canadian Co. Limited, Continental Can Company of Canada Limited, Goodyear Tire & Rubber Company of Canada, Limited, Brink's Canada Limited, Kelsey-Hayes Canada Limited, Otis Elevator Company Limited, Berg Equipment Co. (Canada) Limited, Maple Leaf Mills Limited, Rio Algom Mines Limited.....	103 /75	Mar. 1 /75	
Conveyance to Crown Controls Mfg. Ltd.....	164 /75	Mar. 29 /75	
Conveyance to Eaton Yale Limited.....	166 /75	Mar. 29 /75	
Conveyance to Selco Mining Corporation Limited.....	168 /75	Mar. 29 /75	
Conveyance to Canadian Knife and Saw Company Limited.....	267 /75	Apr. 26 /75	
Conveyance to Ekberg Canada Limited.....	269 /75	Apr. 26 /75	
Conveyance to J. & E. Hall (Canada) Limited, & Sorence Limited.....	270 /75	Apr. 26 /75	
Conveyance to Dow Chemical of Canada Limited.....	329 /75	May 17 /75	
Conveyance to Heublein (Canada) Inc.....	360 /75	May 24 /75	
Conveyance to 3M Canada Limited.....	397 /75	June 7 /75	
Conveyance to J. G. Beattie and his wife B. A. Beattie both of the City of Barrie.....	398 /75	June 7 /75	
Conveyance to International Minerals & Chemical Corporation (Canada) Limited.....	486 /75	June 21 /75	
Conveyance to American Can of Canada Limited.....	500 /75	June 28 /75	
Conveyance to Control Data Canada Limited.....	502 /75	June 28 /75	
Conveyance to Monarch Fine Foods Co. Limited.....	610 /75	Aug. 9 /75	
Refund(s) and Exemption			
Conveyance to Virgilio Onofri.....	961 /74	Jan. 4 /75	
Law Society Act			
General.....	556		
<i>amended</i>	160 /73	Apr. 14 /73	
<i>amended</i>	430 /73	Aug. 4 /73	
<i>amended</i>	983 /74	Jan 11 /75	
<i>amended</i>	220 /75	Apr. 12 /75	
Law Foundation.....	159 /74	Apr. 6 /74	
Legal Aid Act			
General.....	557		
<i>amended</i>	224 /72	May 27 /72	
<i>amended</i>	544 /73	Sept. 15 /73	
Legislative Assembly Retirement Allowances Act			
Table.....	558		
Lightning Rods Act			
General.....	559		
Limited Partnerships Act			
General.....	346 /73	June 23 /73	
<i>amended</i>	355 /75	May 24 /75	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Liquor Control Act			
Assignment of Administration of Acts to designated Members of the Executive Council.....	178/72	Apr. 29/72	
Detoxification Centres.....	455/72	Sept. 23/72	
<i>amended</i>	556/72	Dec. 9/72	
<i>amended</i>	143/73	Mar. 31/73	
<i>amended</i>	216/73	Apr. 28/73	
<i>amended</i>	305/73	June 9/73	
<i>amended</i>	737/73	Dec. 15/73	
<i>amended</i>	3/74	Jan. 19/74	
<i>amended</i>	77/74	Mar. 2/74	
<i>amended</i>	134/74	Mar. 23/74	
<i>amended</i>	3/75	Jan. 25/75	
<i>amended</i>	256/75	Apr. 26/75	
<i>amended</i>	257/75	Apr. 26/75	
General.....	560		
<i>amended</i>	92/71	Mar. 6/71	
<i>amended</i>	299/71	July 31/71	
<i>amended</i>	300/71	July 31/71	
<i>amended</i>	527/71	Jan. 8/72	
<i>amended</i>	528/71	Jan. 8/72	
<i>amended</i>	106/73	Mar. 17/73	
<i>amended</i>	397/73	July 14/73	
<i>amended</i>	613/73	Oct. 20/73	
<i>amended</i>	698/73	Dec. 1/73	
<i>amended</i>	117/75	Mar. 8/75	
<i>amended</i>	186/75	Apr. 5/75	
Institutions for the Reclamation of Alcoholics.....	322/72	July 15/72	
Liquor Licence Act			
Fees on Votes and Licensing Districts.....	562		
General.....	563		
<i>amended</i>	267/71	July 3/71	
<i>amended</i>	302/71	July 31/71	
<i>amended</i>	303/71	July 31/71	
<i>amended</i>	304/71	July 31/71	
<i>amended</i>	305/71	July 31/71	
<i>amended</i>	306/71	July 31/71	
<i>amended</i>	307/71	July 31/71	
<i>amended</i>	308/71	July 31/71	
<i>amended</i>	309/71	July 31/71	
<i>amended</i>	310/71	July 31/71	
<i>amended</i>	311/71	July 31/71	
<i>amended</i>	312/71	July 31/71	
<i>amended</i>	313/71	July 31/71	
<i>amended</i>	529/71	Jan. 8/72	
<i>amended</i>	557/72	Dec. 9/72	
<i>amended</i>	257/73	May 12/73	
<i>amended</i>	398/73	July 14/73	
<i>amended</i>	614/73	Oct. 20/73	
Votes.....	564		

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Live Stock and Live Stock Products Act			
Eggs.....	...	489 /71	Dec. 4 /71
<i>amended</i>	339 /73	June 23 /73
<i>amended</i>	78 /74	Mar. 2 /74
Hogs.....	566	.....	.....
Wool.....	567	.....	.....
Live Stock Branding Act			
Forms.....	...	331 /72	July 15 /72
Live Stock Community Sales Act			
General.....	568	.....	.....
<i>amended</i>	316 /72	July 15 /72
Loan and Trust Corporations Act			
Approved Trust Companies.....	569	.....	.....
<i>amended</i>	116 /71	Mar. 20 /71
<i>amended</i>	437 /72	Sept. 16 /72
<i>amended</i>	497 /75	June 28 /75
Common Trust Funds.....	570	.....	.....
Financial Statements.....	...	38 /72	Feb. 19 /72
Schedule of Fees.....	...	426 /72	Sept. 9 /72
Loan Corporations Special Shares—Investment.....	...	435 /72	Sept. 16 /72
Trust Company Special Shares—Investment.....	...	436 /72	Sept. 16 /72
Local Roads Boards Act			
Establishment of Local Roads Areas.....	571	.....	.....
<i>amended</i>	1 /71	Jan. 16 /71
<i>amended</i>	43 /71	Feb. 6 /71
<i>amended</i>	97 /71	Mar. 6 /71
<i>amended</i>	127 /71	Apr. 10 /71
<i>amended</i>	367 /71	Sept. 18 /71
<i>amended</i>	542 /71	Jan. 8 /72
<i>amended</i>	19 /72	Feb. 5 /72
<i>amended</i>	55 /72	Feb. 26 /72
<i>amended</i>	56 /72	Feb. 26 /72
<i>amended</i>	100 /72	Mar. 18 /72
<i>amended</i>	140 /72	Apr. 8 /72
<i>amended</i>	177 /72	Apr. 29 /72
<i>amended</i>	399 /72	Aug. 19 /72
<i>amended</i>	478 /72	Oct. 7 /72
<i>amended</i>	496 /72	Oct. 21 /72
<i>amended</i>	562 /72	Dec. 16 /72
<i>amended</i>	600 /72	Jan. 13 /73
<i>amended</i>	21 /73	Feb. 3 /73
<i>amended</i>	22 /73	Feb. 3 /73
<i>amended</i>	85 /73	Mar. 10 /73
<i>amended</i>	137 /73	Mar. 31 /73
<i>amended</i>	248 /73	May 12 /73
<i>amended</i>	266 /73	May 19 /73
<i>amended</i>	456 /73	Aug. 18 /73
<i>amended</i>	760 /73	Dec. 22 /73
<i>amended</i>	802 /83	Jan. 5 /74
<i>amended</i>	43 /74	Feb. 9 /74
<i>amended</i>	120 /74	Mar. 16 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Local Roads Boards Act—Continued			
Establishment of Local Roads Areas—Continued			
amended	205 /74	Apr. 20 /74	
amended	225 /74	Apr. 27 /74	
amended	425 /74	June 22 /74	
amended	869 /74	Nov. 30 /74	
amended	1 /75	Jan. 18 /75	
amended	33 /75	Feb. 8 /75	
amended	161 /75	Mar. 22 /75	
amended	206 /75	Apr. 5 /75	
amended	327 /75	May 17 /75	
amended	475 /75	June 21 /75	
amended	477 /75	June 21 /75	
amended	583 /75	July 26 /75	
General	572	.....
M			
Management Board of Cabinet Act, 1971			
Retention and Disposal of Records	275 /73	May 26 /73	
Meat Inspection Act (Ontario)			
General	574	.....
amended	425 /72	Sept. 9 /72	
Mechanics' Lien Act			
Forms	575	.....
Mental Health Act			
Application of Act	576	.....
amended	94 /72	Mar. 18 /72	
amended	122 /73	Mar. 24 /73	
amended	524 /73	Sept. 8 /73	
amended	186 /74	Apr. 13 /74	
amended	190 /74	Apr. 13 /74	
amended	237 /74	May 4 /74	
amended	545 /74	Aug. 3 /74	
amended	568 /74	Aug. 10 /74	
amended	638 /74	Sept. 14 /74	
amended	684 /74	Sept. 28 /74	
amended	820 /74	Nov. 16 /74	
amended	927 /74	Dec. 21 /74	
amended	75 /75	Feb. 22 /75	
amended	98 /75	Mar. 1 /75	
amended	197 /75	Apr. 5 /75	
amended	472 /75	June 21 /75	
amended	480 /75	June 21 /75	
amended	510 /75	July 5 /75	
amended	511 /75	July 5 /75	
amended	617 /75	Aug. 9 /75	
Grants	577	.....
amended	362 /71	Sept. 11 /71	
amended	773 /73	Dec. 22 /73	
amended	790 /73	Dec. 29 /73	
amended	102 /75	Mar. 1 /75	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Mental Hospitals Act			
General.....	578	.....	.....
<i>amended</i>.....	...	238/74	May 4/74
<i>amended</i>.....	...	53/75	Feb. 15/75
<i>amended</i>.....	...	233/75	Apr. 12/75
<i>amended</i>.....	...	473/75	June 21/75
Residential Units.....	579	.....	.....
Milk Act			
By-laws for Marketing Boards.....	580	.....	.....
Cheese			
Marketing.....	582	.....	.....
Marketing.....	...	299/73	June 2/73
<i>amended</i>.....	...	557/75	July 12/75
Classes of Milk.....	583	.....	.....
<i>amended</i>.....	...	9/71	Jan. 16/71
<i>amended</i>.....	...	330/71	Aug. 14/71
<i>amended</i>.....	...	472/71	Nov. 27/71
<i>amended</i>.....	...	330/72	July 15/72
<i>amended</i>.....	...	47/74	Feb. 16/74
Concentrated Milk			
Plan.....	584	.....	.....
Cream for Processing			
Plan.....	585	.....	.....
<i>amended</i>.....	...	136/71	Apr. 17/71
<i>amended</i>.....	...	694/74	Oct. 5/74
Marketing.....	586	.....	.....
<i>amended</i>.....	...	137/71	Apr. 17/71
<i>amended</i>.....	...	589/72	Jan. 13/73
Cream Producers			
Licences and Quotas.....	...	138/71	Apr. 17/71
<i>amended</i>.....	...	752/73	Dec. 15/73
<i>amended</i>.....	...	108/74	Mar. 9/74
Designation of Grade A Milk and Industrial Milk.....	587	.....	.....
<i>amended</i>.....	...	968/74	Jan. 4/75
Designations			
Milk Products.....	588	.....	.....
Fluid Milk Products			
Designation, Containers and Labelling.....	589	.....	.....
<i>amended</i>.....	...	119/72	April 1/72
Grade A Milk			
General.....	590	.....	.....
<i>amended</i>.....	...	328/72	July 15/72
<i>amended</i>.....	...	177/73	Apr. 14/73
<i>amended</i>.....	...	179/73	Apr. 14/73
<i>amended</i>.....	...	757/74	Oct. 19/74
<i>amended</i>.....	...	457/75	June 30/75
Marketing.....	591	.....	.....
<i>amended</i>.....	...	121/71	Apr. 10/71
<i>amended</i>.....	...	364/71	Sept. 11/71
<i>amended</i>.....	...	432/71	Oct. 16/71
<i>amended</i>.....	...	174/73	Apr. 14/73
<i>amended</i>.....	...	461/73	Aug. 18/73
<i>amended</i>.....	...	827/73	Jan. 12/74
<i>amended</i>.....	...	487/74	July 13/74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Milk Act—Continued			
Marketing—Continued			
<i>amended</i>.....	...	240 /75	Apr. 19 /75
<i>amended</i>.....	...	311 /75	May 10 /75
<i>amended</i>.....	...	459 /75	June 14 /75
Producers.....	592	.....	.....
<i>amended</i>.....	...	443 /72	Sept. 16 /72
<i>amended</i>.....	...	599 /72	Jan. 13 /73
Industrial Milk			
Marketing.....	593	.....	.....
<i>amended</i>.....	...	12 /71	Jan. 23 /71
<i>amended</i>.....	...	350 /71	Sept. 4 /71
<i>amended</i>.....	...	363 /71	Sept. 11 /71
<i>amended</i>.....	...	173 /73	Apr. 14 /73
<i>amended</i>.....	...	457 /73	Aug. 18 /73
<i>amended</i>.....	...	708 /73	Dec. 1 /73
<i>amended</i>.....	...	754 /73	Dec. 15 /73
<i>amended</i>.....	...	828 /73	Jan. 12 /74
<i>amended</i>.....	...	418 /74	June 15 /74
<i>amended</i>.....	...	241 /75	Apr. 19 /75
<i>amended</i>.....	...	312 /75	May 10 /75
<i>amended</i>.....	...	460 /75	June 14 /75
Marketing Boards.....	594	.....	.....
Milk			
Marketing.....	595	.....	.....
<i>amended</i>.....	...	358 /72	Aug. 5 /72
<i>amended</i>.....	...	590 /72	Jan. 13 /73
<i>amended</i>.....	...	527 /73	Sept. 8 /73
Milk and Cheese			
Plan.....	597	.....	.....
<i>amended</i>.....	...	389 /71	Sept. 25 /71
<i>amended</i>.....	...	695 /74	Oct. 5 /74
Milk Marketing			
Classes 3, 4, 5 and 6.....	596	.....	.....
Milk			
Transportation.....	598	.....	.....
<i>amended</i>.....	...	122 /71	Apr. 10 /71
Milk Producers			
Licences.....	599	.....	.....
<i>amended</i>.....	...	43 /73	Feb. 17 /73
<i>amended</i>.....	...	69 /75	Feb. 15 /75
Milk Products.....	600	.....	.....
<i>amended</i>.....	...	120 /72	Apr. 1 /72
<i>amended</i>.....	...	176 /73	Apr. 14 /73
<i>amended</i>.....	...	756 /74	Oct. 19 /74
<i>amended</i>.....	...	969 /74	Jan. 4 /75
<i>amended</i>.....	...	458 /75	June 30 /75
Purchase and Sale of Milk for Northern Ontario Pool.....	601	.....	.....
Reconstituted Milk			
General.....	602	.....	.....
<i>amended</i>.....	...	175 /73	Apr. 14 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Mining Act			
Assay Coupons.....	...	658 /74	Sept. 21 /74
Exploratory Licences and Leases for Oil and Natural Gas North of the Fifty-First Parallel of Latitude.....	604	.....	.....
<i>amended</i>.....	...	540 /72	Dec. 2 /72
Exploratory Licences and Production Leases for Natural Gas in Lake Erie.....	...	546 /71	Jan. 15 /72
<i>amended</i>.....	...	241 /72	June 3 /72
<i>amended</i>.....	...	616 /73	Oct. 20 /73
Forms.....	605	.....	.....
Lands Open for Prospecting, Staking out or Leasing.....	...	515 /71	Jan. 1 /72
Licences to Explore and Mining Licences in Paleozoic Rock Formations.....	...	161 /71	May 8 /71
Mining Divisions.....	...	775 /73	Dec. 22 /75
Refinery Licences.....	607	.....	.....
<i>amended</i>.....	...	162 /74	Apr. 6 /74
Rope Testing Laboratories.....	...	262 /71	July 3 /71
Sale of Rights to Explore for Minerals.....	608	.....	.....
Surveys of Mining Claims.....	609	.....	.....
Mining Tax Act, 1972			
General.....	...	126 /75	Mar. 8 /75
Ministry of Agriculture and Food Act			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 5 (1))</i>			
Extension of Duties of Minister.....	165	.....	.....
Ministry of Colleges and Universities Act, 1971			
<i>(See also Department of Colleges and Universities Act, 1971)</i>			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 12 (1))</i>			
Colleges and Applied Arts and Technology			
<i>amending</i> Reg. 169 of R.R.O. 1970.....	...	506 /72	Nov. 4 /72
<i>amending</i> Reg. 169 of R.R.O. 1970.....	...	22 /75	Feb. 8 /75
Cambrian			
<i>amending</i> Reg. 171 of R.R.O. 1970.....	...	519 /72	Nov. 11 /72
<i>amending</i> Reg. 171 of R.R.O. 1970.....	...	566 /72	Dec. 23 /72
Canadore.....	...	518 /72	Nov. 11 /72
Sault.....	...	565 /72	Dec. 30 /72
Employee Representation.....	...	576 /72	Dec. 30 /72
Grants to Incorporated Historical Societies and Associa- tions.....	...	714 /74	Oct. 12 /74
<i>amended</i>.....	...	882 /74	Nov. 30 /74
Grants for Museums.....	...	837 /74	Nov. 23 /74
Grants for Plaquing.....	...	715 /74	Oct. 12 /74
Ontario Student Assistance Program.....	...	115 /75	Mar. 8 /75
Part-Time Student Loans.....	...	513 /73	Sept. 1 /73
<i>amended</i>.....	...	574 /74	Aug. 17 /74
Ministry of Community and Social Services Act			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 19 (1))</i>			
Arena Managers' Certificates and Arena Programs			
<i>(revoking)</i>.....	...	593 /75	Aug. 2 /75
Institutions under Control of Minister.....	218	.....	.....
Grants for Non-Profit Camps.....	...	510 /72	Nov. 4 /72
<i>amended</i>.....	...	13 /72	Jan. 27 /73
Social Assistant Review Board.....	...	17 /75	Feb. 1 /75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Ministry of Consumer and Commercial Relations Act			
Fees.....	...	724 /73	Dec. 8 /73
Ministry of Correctional Services Act			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 59 (1))</i>			
General.....	166	....	.....
<i>amended</i>	146 /71	Apr. 24 /71
<i>amended</i>	336 /71	Aug. 21 /71
<i>amended</i>	194 /72	May 13 /72
<i>amended</i>	74 /73	Mar. 10 /73
<i>amended</i>	884 /74	
<i>amended</i>	580 /75	July 26 /75
Parole.....	167	.....	.....
Ministry of Education Act			
<i>(See also Department of Education Act)</i>			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 6 (1))</i>			
Fees for Duplicates of Diplomas, Certificates and Letters of Standing.....	...	466 /72	Sept. 30 /72
Diplomas—Elementary and Secondary Schools.....
<i>amending</i> Reg. 190 of R.R.O. 1970.....	...	560 /72	Dec. 16 /72
Elementary and Secondary Schools			
General			
<i>amending</i> Reg. 191 of R.R.O. 1970.....	...	223 /74	Apr. 27 /74
General Legislative Grants.....	...	59 /71	Feb. 13 /71
<i>amended</i>	791 /74	Nov. 2 /74
<i>amending</i> O. Reg. 98 /72.....	...	242 /72	June 3 /72
<i>amending</i> O. Reg. 98 /72.....	...	308 /73	June 9 /73
<i>(see editorial change Ontario Gazette June 23rd, 1973, page 1089 (foot pagination))</i>			
General Legislative Grants.....	...	80 /73	Mar. 10 /73
<i>amended</i>	139 /73	Mar. 31 /73
<i>amended</i>	309 /73	June 9 /73
<i>amended</i>	500 /73	Sept. 1 /73
<i>amended</i>	722 /73	Dec. 8 /73
<i>amended</i>	136 /74	Mar. 23 /74
<i>amended</i>	818 /74	Nov. 16 /74
<i>amended</i>	879 /74	Nov. 30 /74
General Legislative Grants, 1974.....	...	200 /74	Apr. 20 /74
<i>amended</i>	674 /74	Sept. 28 /74
<i>(amended, see Education Act, 1974, S.O. 1974, c. 109)</i>			
Interim Teaching Certificates and Letters of Standing.	295 /73	June 2 /73
<i>amended</i>	688 /73	Nov. 24 /73
<i>amended</i>	224 /74	Apr. 27 /74
<i>amended</i>	850 /74	Nov. 23 /74
Legislative Grants.....	...	20 /73	Feb. 3 /73
Permanent Teaching Certificates			
<i>(amending</i> Reg. 199 of R.R.O. 1970)			
<i>amended</i>	264 /73	May 19 /73
<i>amended</i>	661 /73	Nov. 20 /73
<i>amended</i>	791 /73	Dec. 29 /73
Pupil Records.....	...	38 /73	Feb. 17 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Ministry of Education Act—Continued			
<i>(See also Department of Education Act)</i>			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 6 (1))</i>			
Elementary and Secondary Schools—Continued			
Reimbursement for Cost of Education and for Board.			
Lodging and Transportation (<i>amending</i> Reg. 202 of R.R.O. 1970)			
<i>amended</i>	140 /73	Mar. 31 /73	
<i>amended</i>	68 /74	Feb. 23 /74	
<i>amended</i>	207 /74	Apr. 20 /74	
School Year and School Holidays.....	546 /73	Sept. 15 /73	
Special Grant.....	880 /74	Nov. 30 /74	
Special Grants for French-Language Instruction in the National Capital Region.....	366 /73	July 7 /73	
<i>(amended, see Education Act, 1974, S.O. 1974, c. 109)</i>			
Supervisory Officer's Certificate			
<i>amended</i>	231 /73	May 5 /73	
<i>(Regulation 231 /73 amends Regulation 517 /71)</i>			
Teachers' Colleges.....	84 /74	Mar. 2 /74	
Teachers' Contracts			
<i>amended</i>	676 /74	Sept. 28 /74	
<i>(Regulation 676 /74 amends Reg. 208 of R.R.O. 1970)</i>			
Ministry of Health Act, 1972			
Bursaries and Fellowships for Health Study.....			
<i>amended</i>	691 /73	Nov. 24 /73	
<i>amended</i>	408 /74	June 15 /74	
<i>amended</i>	351 /75	May 24 /75	
District Health Councils.....	721 /73	Dec. 8 /73	
Grants.....	569 /72	Dec. 30 /72	
Grants.....	358 /73	June 30 /73	
Grants—Health Resources.....	381 /73	July 7 /73	
Standard Ward Accommodation.....	324 /72	July 15 /72	
Ministry of Labour Act			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 82 (1))</i>			
Proceedings of the Board.....	213	.....
Ministry of Natural Resources Act, 1972			
Assignment of Powers and Duties of Minister.....	473 /74	July 13 /74	
Assignment of Powers and Duties of Minister.....	795 /74	Nov. 9 /74	
Assignment of Powers and Duties of Minister.....	130 /75	Mar. 15 /75	
Assignment of Powers and Duties of Minister.....	315 /75	May 17 /75	
Assignment of Powers and Duties of Minister.....	513 /75	July 5 /75	
Ministry of Revenue Act			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 88 (1))</i>			
Delegation of Ministerial Powers.....	217	.....
<i>amended</i>	353 /72	July 29 /72	
Moosonee Development Area Board Act			
Amendment to Schedule B of the Act.....	57 /71	Feb. 13 /71	
Amendment to Schedule B of the Act.....	570 /74	Aug. 10 /74	
Mortgage Brokers Act			
General.....	461 /71	Nov. 20 /71	
<i>amended</i>	747 /73	Dec. 15 /73	
<i>amended</i>	224 /75	Apr. 12 /75	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Mortmain and Charitable Uses Act			
Licences and Fees.....	611	.....	.....
<i>amended</i>	387/71	Sept. 25/71
Motor Vehicle Accident Claims Act			
General.....	612	.....	.....
<i>amended</i>	586/73	Oct. 6/73
<i>amended</i>	719/73	Dec. 8/73
Motor Vehicle Dealers Act			
<i>(title of Act changed Jan. 1st, 1972, See S.O. 1971, c. 21, s. 1.)</i>			
General.....	...	98/71	Mar. 13/71
<i>amended</i>	516/71	Jan. 1/72
<i>amended</i>	539/71	Jan. 8/72
<i>amended</i>	503/72	Oct. 28/72
<i>amended</i>	180/74	Apr. 13/74
<i>amended</i>	338/74	May 18/74
<i>amended</i>	28/75	Feb. 8/75
<i>amended</i>	99/75	Mar. 1/75
Motor Vehicle Fuel Tax Act			
General.....	...	372/73	July 7/73
Motorized Snow Vehicles Act			
General.....	614	.....	.....
<i>amended</i>	199/72	May 13/72
<i>amended</i>	76/75	Feb. 22/75
Municipal Act			
Designation of Correctional Institutions.....	...	443/73	Aug. 11/73
<i>amended</i>	574/73	Sept. 22/73
<i>amended</i>	571/74	Aug. 17/74
Designation of Facilities under <i>The Developmental Services Act, 1974</i>	261/75	Apr. 26/75
Designation as University.....	...	314/71	Aug. 7/71
Designation of Municipalities.....	...	573/74	Aug. 17/74
<i>amended</i>	260/75	Apr. 26/75
Designation of Provincial Mental Health Facilities and Public Hospitals.....	...	442/73	Aug. 11/73
<i>amended</i>	600/73	Oct. 13/73
<i>amended</i>	572/74	Aug. 17/74
<i>amended</i>	259/75	Apr. 26/75
Designation of Universities.....	616	.....	.....
<i>amended</i>	440/73	Aug. 11/73
<i>amended</i>	741/73	Dec. 15/73
<i>amended</i>	262/75	Apr. 26/75
Pension Plan for Municipal Employees.....	617	.....	.....
Revision and Certification of Assessment Commissioner's List.....	...	374/72	Aug. 12/72
<i>amended</i>	487/73	Aug. 25/73
<i>amended</i>	169/75	Mar. 29/75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Municipal Affairs Act			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 104 (1))</i>			
Municipal Auditors	215	.....	.....
Tax Arrears and Tax Sales Procedures	804 /73	Jan. 5 /74
<i>amended</i>	206 /74	Apr. 20 /74
<i>amended</i>	542 /74	Aug. 3 /74
<i>amended</i>	885 /74	Nov. 30 /74
<i>amended</i>	8 /75	Jan. 25 /75
<i>amended</i>	603 /75	Aug. 2 /75
Municipal Elections Act, 1972			
Forms	621 /74	Sept. 7 /74
<i>amended</i>	743 /74	Oct. 19 /74
Order of the Minister use of voting recorders	886 /74	Nov. 30 /74
Municipal and School Tax Credit Assistance Act			
General	301 /73	June 2 /73
<i>amended</i>	50 /75	Feb. 15 /75
Municipal Unconditional Grants Act			
Special Grants	581 /74	Aug. 24 /74
Special Payment—The Township of Flos	789 /74	Nov. 2 /74
N			
Niagara Escarpment Protection Act			
Application of Act			
Permits	618	.....	.....
<i>(See Pits and Quarries Control Act, 1971)</i>			
Niagara Escarpment Planning and Development Act, 1973			
Order of the Treasurer			
designation of area control	118 /74	Mar. 16 /74
<i>amended</i>	383 /75	June 7 /75
designation of development control	451 /75	June 14 /75
<i>amended</i>	463 /75	June 21 /75
Development Within The Development of Control Area	453 /75	June 14 /75
Niagara Parks Act			
General	619	.....	.....
<i>amended</i>	143 /71	Apr. 17 /74
<i>amended</i>	258 /71	July 3 /71
<i>amended</i>	340 /71	Aug. 21 /71
<i>amended</i>	127 /73	Mar. 31 /73
<i>amended</i>	672 /74	Sept. 28 /74
Northern Ontario Development Corporation Act			
Approval of Loans and Guarantees	397 /72	Aug. 19 /72
Notaries Act			
Fees	620	.....	.....
<i>amended</i>	292 /75	May 3 /75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Nursing Homes Act, 1972			
General	196 /72	May 13 /72	
<i>amended</i>	508 /72	Nov. 4 /72	
<i>amended</i>	25 /73	Feb. 3 /73	
<i>amended</i>	242 /73	May 5 /73	
<i>amended</i>	499 /73	Sept. 1 /73	
<i>amended</i>	811 /73	Jan. 12 /74	
<i>amended</i>	230 /75	Apr. 12 /75	
<i>amended</i>	309 /75	May 10 /75	
O			
Official Notices Publication Act			
Order-in-Council re: The Ontario Gazette	530 /73	Sept. 8 /73	
Rates	623		
<i>amended</i>	499 /72	Oct. 21 /72	
Old Age Assistance Act			
General	624		
Oleomargarine Act			
General	625		
Ontario Energy Board Act			
General	626		
<i>amended</i>	172 /73	Apr. 14 /73	
<i>amended</i>	585 /74	Aug. 24 /74	
<i>amended</i>	907 /74	Dec. 14 /74	
Rules of Procedure	627		
<i>amended</i>	260 /73	May 19 /73	
Uniform System of Accounts for Gas Utilities Class A	628		
Ontario Food Terminal Act			
Composition of Board	629		
Conduct of Business	630		
<i>amended</i>	390 /71	Sept. 25 /71	
Procedure of the Board	631		
Rental Fees for Delivering or Discharging Produce	180 /72	May 6 /72	
Ontario Guaranteed Annual Income Act, 1974			
Forms	6 /75	Jan. 25 /75	
General	748 /74	Oct. 19 /74	
Guaranteed Income Limit	566 /75	July 19 /75	
Ontario Health Insurance Organization Act, 1971			
Premium Rates	122 /72	Apr. 1 /72	
Ontario Heritage Act, 1974			
Grants and Loans	242 /75	Apr. 19 /75	
Licences	249 /75	Apr. 19 /75	
Ontario Highway Transport Board Act			
Rules of Procedure	632		

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Ontario Home Buyers Grant Act, 1975			
Determination of Legal and Beneficial Interest in Housing Unit.....	...	310/75	May 10/75
<i>amended</i>.....	...	544/75	July 12/75
Ontario Human Rights Code			
Form of Complaint.....	...	624/73	Oct. 27/73
Ontario Institute for Studies in Education Act			
General.....	634	.....	.....
Ontario Labour-Management Arbitration Commission Act			
General.....	635	.....	.....
<i>amended</i>.....	...	89/71	Mar. 6/71
<i>amended</i>.....	...	191/71	May 22/71
Ontario Lottery Corporation Act, 1974			
General.....	...	251/75	Apr. 26/75
Ontario Municipal Board Act			
Composition of Board.....	636	.....	.....
Procedure.....	637	.....	.....
Tariff of Fees.....	...	27/73	Feb. 10/73
Ontario Municipal Employees Retirement System Act			
General.....	...	456/75	June 14/75
Ontario Municipal Improvement Corporation Act			
Procedure.....	639	.....	.....
Ontario Place Corporation Act, 1972			
Fees.....	...	878/74	Nov. 30/74
<i>amended</i>.....	...	305/75	May 10/75
Ontario Producers, Processors, Distributors and Consumers Food Council Act			
Designations of Products.....	640	.....	.....
Ontario School Trustees Council Act			
Composition of Council.....	641	.....	.....
Ontario Telephone Development Corporation Act			
Composition of Corporation.....	642	.....	.....
Ontario Universities Capital Aid Corporation Act			
Designated Universities.....	643	.....	.....
<i>amended</i>.....	...	5/75	Jan. 25/75
Ontario Water Resources Act			
<i>(title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 70 (1))</i>			
Exemptions from Section 38.....	645	.....	.....
Plumbing Code.....	647	.....	.....
<i>amended</i>.....	...	344/71	Aug. 28/71
<i>amended</i>.....	...	209/72	May 20/72
<i>amended</i>.....	...	158/73	Apr. 7/73
Rate of Interest.....	...	107/71	Mar. 20/71
Water Wells.....	648	.....	.....

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Operating Engineers Act			
General.....	649	.....	.....
<i>amended</i>	502 /71	Dec. 18 /71
<i>amended</i>	84 /72	Mar. 11 /72
<i>amended</i>	299 /72	July 1 /72
<i>amended</i>	297 /73	June 2 /73
<i>amended</i>	717 /74	Oct. 12 /74
<i>amended</i>	470 /75	June 21 /75
Ophthalmic Dispensers Act			
General.....	650	.....	.....
Ottawa-Carleton Amalgamations and Elections Act, 1973			
Orders of the Minister			
election of councils, Township of Goulbourn, Township of Rideau and Township of West Carleton.....	...	642 /73	Oct. 27 /73
<i>amended</i>	680 /73	Nov. 17 /73
determination of name of area municipality.....	...	706 /73	Dec. 1 /73
P			
Paperback and Periodical Distributors Act, 1971			
General.....	...	409 /71	Oct. 2 /71
Parks Assistance Act			
General.....	652	.....	.....
Parkway Belt Planning and Development Act, 1973			
Land Use			
County of Halton, Town of Burlington.....	...	482 /73	Aug. 25 /73
<i>amended</i>	602 /73	Oct. 13 /73
<i>amended</i>	793 /73	Dec. 29 /73
<i>amended</i>	176 /74	Apr. 6 /74
<i>amended</i>	509 /74	July 20 /74
<i>amended</i>	765 /74	Oct. 26 /74
<i>amended</i>	825 /74	Nov. 16 /74
<i>amended</i>	998 /74	Jan. 11 /75
<i>amended</i>	27 /75	Feb. 8 /75
<i>amended</i>	286 /75	May 3 /75
<i>amended</i>	328 /75	May 17 /75
<i>amended</i>	414 /75	June 7 /75
<i>amended</i>	586 /75	July 26 /75
County of Halton, Town of Milton.....	...	480 /73	Aug. 25 /73
<i>amended</i>	412 /75	June 7 /75
County of Halton, Town of Oakville.....	...	481 /73	Aug. 25 /73
<i>amended</i>	637 /73	Aug. 25 /73
<i>amended</i>	776 /73	Oct. 27 /73
<i>amended</i>	456 /74	July 6 /74
<i>amended</i>	614 /74	Aug. 31 /74
<i>amended</i>	832 /74	Nov. 16 /74
<i>amended</i>	26 /75	Feb. 8 /75
<i>amended</i>	184 /75	Mar. 29 /75
<i>amended</i>	413 /75	June 7 /75
<i>amended</i>	450 /75	June 14 /75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Parkway Belt Planning and Development Act, 1973			
—Continued			
Land Use—Continued			
County of Peel, Toronto Gore	476 /73		Aug. 26 /73
<i>amended</i>	171 /74		Apr. 6 /74
<i>amended</i>	409 /75		June 7 /75
County of Peel, Town of Mississauga	479 /73		Aug. 25 /73
<i>amended</i>	172 /74		Apr. 6 /74
<i>amended</i>	996 /74		Jan. 11 /75
<i>amended</i>	190 /75		Apr. 5 /75
<i>amended</i>	411 /75		June 7 /75
<i>amended</i>	449 /75		June 14 /75
County of Peel, Township of Chinguacousy	477 /73		Aug. 25 /73
<i>amended</i>	745 /73		Dec. 15 /73
County of Wentworth, Town of Dundas	486 /73		Aug. 25 /73
County of Wentworth, Township of East Flamborough	483 /73		Aug. 25 /73
<i>amended</i>	415 /75		June 7 /75
County of Wentworth, Township of West Flamborough	484 /73		Aug. 25 /73
<i>amended</i>	113 /75		Mar. 1 /75
<i>amended</i>	416 /75		June 7 /75
County of Wentworth, Village of Waterdown	485 /73		Aug. 25 /73
<i>amended</i>	435 /74		June 22 /74
Metropolitan Toronto, Borough of Etobicoke	478 /73		Aug. 25 /73
<i>amended</i>	66 /74		Feb. 23 /74
<i>amended</i>	90 /74		Mar. 2 /74
<i>amended</i>	15 /75		Feb. 1 /75
<i>amended</i>	123 /75		Mar. 8 /75
<i>amended</i>	410 /75		June 7 /75
<i>amended</i>	438 /75		June 14 /75
Regional Municipality of York, Town of Markham	473 /73		Aug. 25 /73
<i>amended</i>	758 /73		Dec. 22 /73
<i>amended</i>	10 /74		Jan. 26 /74
<i>amended</i>	21 /74		Feb. 2 /74
<i>amended</i>	64 /74		Feb. 23 /74
<i>amended</i>	67 /74		Feb. 23 /74
<i>amended</i>	143 /74		Mar. 30 /74
<i>amended</i>	192 /74		Apr. 13 /74
<i>amended</i>	344 /74		May 18 /74
<i>amended</i>	617 /74		Sept. 7 /74
<i>amended</i>	758 /74		Oct. 19 /74
<i>amended</i>	999 /74		Jan. 11 /75
<i>amended</i>	83 /75		Feb. 22 /75
<i>amended</i>	182 /75		Mar. 29 /75
<i>amended</i>	183 /75		Mar. 29 /75
<i>amended</i>	406 /75		June 7 /75
<i>amended</i>	534 /75		July 5 /75
<i>amended</i>	551 /75		July 12 /75
Regional Municipality of York, Town of Richmond Hill	474 /73		Aug. 25 /73
<i>amended</i>	142 /74		Mar. 23 /74
<i>amended</i>	407 /75		June 7 /75
Regional Municipality of York, Town of Vaughan	475 /73		Aug. 25 /74
<i>amended</i>	22 /74		Feb. 2 /74
<i>amended</i>	65 /74		Feb. 23 /74
<i>amended</i>	109 /74		Mar. 9 /74
<i>amended</i>	345 /74		May 18 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Parkway Belt Planning and Development Act, 1973			
—Continued			
Land Use—Continued			
Regional Municipality of York, Town of Vaughan			
—Continued			
amended.....	...	528 /74	July 27/74
amended.....	...	43 /75	Feb. 8/75
amended.....	...	408 /75	June 7/75
amended.....	...	455 /75	June 14/75
Order of the Minister			
Establishing Parkway Belt Planning Area.....	...	472 /73	Aug. 25/73
amended.....	...	744 /73	Dec. 15/73
amended.....	...	399 /75	June 7/75
Partnerships Registration Act			
General.....	...	347 /73	June 23/73
amended.....	...	356 /75	May 24/75
Pension Benefits Act			
General.....	654	.....	.....
amended.....	...	475 /72	Oct. 7/72
amended.....	...	230 /73	May 5/73
amended.....	...	452 /73	Aug. 18/73
amended.....	...	387 /74	June 1/74
Personal Property Security Act			
Branch Offices.....	...	207 /72	May 20/72
Fees Concerning Security Documents.....	656	.....	.....
amended.....	...	459 /73	Aug. 18/73
Personal Property Assurance Fund.....	...	280 /71	July 17/71
Pesticides Act			
General.....	...	618 /74	Sept. 7/74
Petroleum Resources Act, 1971			
(See also Energy Act)			
Exploration, Drilling and Production.....	...	45 /72	Feb. 19/72
amended.....	...	619 /73	Oct. 20/73
Spacing Units			
Coveny Pool.....	...	135 /72	Apr. 8/72
Dawn 4-28-111 Pool.....	...	143 /72	Apr. 15/72
Ekfrid Pool.....	...	423 /74	June 22/74
amended.....	...	316 /75	May 17/75
General Dawn 5-27-111 Pool.....	...	249 /74	May 4/74
Hemlock Pool.....	...	553 /74	Aug. 10/74
Terminus Pool (revoking).....	...	132 /75	Mar. 15/75
Pharmacy Act			
Child Resistant Packages.....	...	362 /72	Aug. 12/72
amended.....	...	190 /73	Apr. 21/73
amended.....	...	498 /73	Sept. 1/73
amended.....	...	52 /74	Feb. 16/74
Parcost C.D.I.....	...	332 /75	May 17/75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Pits and Quarries Control Act, 1971			
General.....	545/71	Jan. 15/72	
<i>amended</i>	107/72	Mar. 18/72	
<i>amended</i>	226/72	May 27/72	
<i>amended</i>	47/73	Feb. 24/73	
<i>amended</i>	94/73	Mar. 17/73	
<i>amended</i>	501/73	Sept. 1/73	
<i>amended</i>	93/74	Mar. 2/74	
<i>amended</i>	393/74	June 1/74	
<i>amended</i>	333/75	May 17/75	
Planning Act			
Delegation of Authority of Minister Under Section 44 <i>b</i> of The Planning Act			
The Regional Municipality of Waterloo.....	440/75	June 14/75	
The Regional Municipality of Halton.....	441/75	June 14/75	
The Regional Municipality of Ottawa-Carleton.....	442/75	June 14/75	
The Regional Municipality of Hamilton-Wentworth...	443/75	June 14/75	
The Regional Municipality of Peel.....	549/75	July 12/75	
Orders made under Section 29 <i>a</i> of The Planning Act			
Town of Midland, Part of Lot 1, Range "D", Plan 467.	547/74	Aug. 3/74	
City of Waterloo, Lot 1, Plan 1250.....	682/74	Sept. 28/74	
Township of Bentinck, County of Grey, Lot 40, Concession 1, Plan R-185.....	689/74	Sept. 28/74	
Township of Belmont, County of Peterborough, Lot 8, Concession II.....	703/74	Oct. 5/74	
Township of Mariposa, County of Victoria, Lot 4, Concession VII.....	803/74	Nov. 9/74	
Township of Amaranth, County of Dufferin, Lot 10, Concession II.....	804/74	Nov. 9/74	
Township of Bentinck, County of Grey, Lot 15, Concession VII.....	805/74	Nov. 9/74	
Township of Percy, County of Northumberland, Part Number 12, RD Plan 74.....	829/74	Nov. 16/74	
Town of Bracebridge, District Municipality of Muskoka, Plan No. 35R-2382.....	835/74	Nov. 23/74	
Township of Bentinck, County of Grey, Parts of Lots 5 & 13, Plan R-185.....	836/74	Nov. 23/74	
Township of Dummer, County of Peterborough, Part of Lot 7, Plan R-348.....	892/74	Dec. 7/74	
Township of Percy, County of Northumberland, Part of Lot 39, RD Plan 25.....	893/74	Dec. 7/74	
Township of Smith, County of Peterborough, Lot 24, Concession VII, and Lot 7, Concession V, Plan 98.	894/74	Dec. 7/74	
Township of Ashfield, County of Huron, Part of Lot 16, Front Concession, Plan 20.....	905/74	Dec. 7/74	
Township of Emily, County of Victoria, Parts of Lots 20 and 21, Plan RD 46.....	906/74	Dec. 7/74	
Township of Smith, County of Peterborough, Lot 60, Plan 99.....	923/74	Dec. 21/74	
Town of Halton Hills in The Regional Municipality of Halton, Formerly in the Town of Acton, Lot 42, Part of Lot 23, Plan 772, and the Town of Halton Hills, in The Regional Municipality of Halton, Formerly in the Township of Esquesing, County of			

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Orders made under Section 29a of The Planning Act			
—Continued			
Township of Halton Hills—Continued			
Halton, Part of Lot 11, 3rd Concession, Plan 421, Instrument 270599.....	...	929/74	Dec. 21/74
Township of Sidney, County of Hastings, Plan HSR 304.	936/74	Dec. 28/74
Town of Whitchurch-Stouffville in the Regional Municipality of York, Formerly in the Township of Whitchurch in the County of York, Part of Lot 30, Ninth Concession.....	...	937/74	Dec. 28/74
Township of Bentinck, County of Grey, Parts of Lots 14, 15 and 16, Plan R-185.....	...	940/74	Dec. 28/74
Township of Emily, County of Victoria, Lot 22, 14th Concession, Plan RD 49.....	...	952/74	Jan. 4/75
Town of Stayner, County of Simcoe, Part of Lot 25, Plan 68, Instrument Nos. 336641 and 331746....	...	953/74	Jan. 4/75
Township of Flos, County of Simcoe, Lot 9, Con- cession 1, Plan R-808, Instrument No. 300439...	...	954/74	Jan. 4/75
Township of West Hawkesbury, County of Prescott, Part of Lot 9, Concession IV, Plan No. 106.....	...	955/74	Jan. 4/75
Village of Colborne, County of Northumberland, Parts of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, Plan No. RD 65.....	...	957/74	Jan. 4/75
Township of Galway, County of Peterborough, Plan R-357.....	...	958/74	Jan. 4/75
Township of Bentinck, County of Grey, Plan 53, Part of Lot 3, Formerly Lot 30, Concession 1 and Part of Lot 15, Concession VII.....	...	995/74	Jan. 11/75
Township of Cavan, County of Peterborough, Parts of Lots 4 and 5 in Concession VIII, Lot 7, Plan 122 for Township of Cavan.....	...	1000/74	Jan. 11/75
Township of Dummer, County of Peterborough, Part of Lot 32, 10th Concession, Part I on Plan R-348 and right-of-way, Parts of Lots 31 and 32 in 10th Concession, Parts of Lots 1 and 2 on Plan R-335A	1001/74	Jan. 11/75
Township of Cavan, County of Peterborough, Formerly in the County of Durham, Lot 23, Concession VIII, Instrument No. N13794 and Lot 23, Concession XIV, Instrument No. 29529 and part of Lot 9, Concession XIV, Plan No. 110 and Parts 65 to 79, Number 9R-185.....	...	37/75	Feb. 8/75
Town of Whitchurch-Stouffville in The Regional Muni- cipality of York, Formerly the Township of Whit- church in the County of York, Lot 26, Concession III.....	...	62/75	Feb. 15/75
Township of West Carleton in The Regional Muni- cipality of Ottawa-Carleton, Formerly in the Town- ship of Huntley in the County of Carleton, parts of Lot 9, Concession VIII.....	...	95/75	Mar. 1/75
Township of Amaranth, County of Dufferin, part of Lot 32, Concession V.....	...	96/75	Mar. 1/75
City of Waterloo, Regional Municipality of Waterloo, Formerly in the County of Waterloo, part of Lot 1, registered plan, west half of Lot 6 in the German			

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Orders made under Section 29a of The Planning Act			
—Continued			
City of Waterloo—Continued			
Tract, City of Waterloo and part of Lot 3, Plan Number 58R-1141	97/75	Mar. 1/75	
Township of Cavan, County of Peterborough, Formerly in the County of Durham, Lot 23, Plan 118.....	112/75	Mar. 1/75	
Township of Mariposa, County of Victoria, part of Lot 7, Concession A, Reference Plan R.D. 187.....	144/75	Mar. 22/75	
Township of Cavan, County of Peterborough, Formerly in the County of Durham, part of Lot 12, Conces- sion XII, being Lots 5 and 6, Plan 21.....	152/75	Mar. 22/75	
Township of Nottawasaga, County of Simcoe, part of Lot 26, Concession II, Part 31 on Plan R-709....	153/75	Mar. 22/75	
Town of Whitchurch-Stouffville, Regional Municipality of York, Formerly the Township of Whitchurch in the County of York, Lot 26, Concession III.....	209/75	Apr. 5/75	
Township of Wainfleet, Regional Municipality of Niagara, Formerly the Township of Wainfleet, County of Welland, Lot 52, Concession VII.....	210/75	Apr. 5/75	
Township of Cavan, County of Peterborough, Formerly County of Durham, Lot 7, Plan 114.....	225/75	Apr. 12/75	
Township of Cavan, County of Peterborough, Formerly County of Durham, Lot 3, Concession XI, Lot 7 of Plan 116.....	226/75	Apr. 12/75	
Town of Wasaga Beach, County of Simcoe, Lot 5, Concession XVI.....	227/75	Apr. 12/75	
Township of Emily, County of Victoria, Lot 22, Conces- sion XVI, Plan RD-49.....	228/75	Apr. 12/75	
Town of Whitchurch-Stouffville, Regional Municipality of York, Formerly Township of Whitchurch-Stouff- ville, Lot 20, Concession VIII.....	229/75	Apr. 12/75	
Town of Wasaga Beach, County of Simcoe, Formerly in Township of Flos in County of Simcoe, Lot 26, Concession IX, Plan R 908.....	281/75	Apr. 26/75	
Township of Cavan, County of Peterborough, Formerly in County of Durham, Lot 11, Concession IV, Plan 101.....	282/75	Apr. 26/75	
Township of Flos, County of Simcoe, Lot 8, Conces- sion II, Plan RD-1065.....	283/75	Apr. 26/75	
Township of Ennismore, County of Peterborough, Lot 6, Concession VI.....	284/75	Apr. 26/75	
Township of Burleigh, County of Peterborough, Lot 10, Concession III.....	295/75	May 3/75	
Township of Percy, County of Northumberland, Lot 6, Concession XI, Plan RD 25.....	298/75	May 3/75	
Township of Emily, County of Victoria, Lot 20, Con- cession IX, Plan RD 46.....	306/75	May 10/75	
Township of Percy, County of Northumberland, Lot 17, Concession V, Plan RD-16.....	307/75	May 10/75	
Township of Belmont, County of Peterborough, Lot 21, Concession I.....	308/75	May 10/75	
Township of North Monaghan, County of Peterborough, Lot 2, Concession X, Plan R401.....	318/75	May 17/75	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Orders made under Section 29a of The Planning Act			
—Continued			
Village of Victoria Harbour, County of Simcoe, Block E, Plan 496.....	...	319/75	May 17/75
Town of Oakville, Regional Municipality of Halton, Formerly in the Town of Oakville in the County of Halton, Lot 8 in Block 100.....	...	352/75	May 24/75
Township of Tiny in County of Simcoe, Lot 99, Plan 1446.....	...	365/75	May 24/75
Town of Milton, Regional Municipality of Halton, Formerly in Township of Nassagaweya in County of Halton, Lot 21, Concession I.....	...	369/75	May 31/75
Township of Tay, County of Simcoe, Lots 1464 and 1463- 1462, Plan 569.....	...	391/75	June 7/75
Township of Percy, County of Northumberland, Lot 5, Concession VIII, Plan RD-42.....	...	392/75	June 7/75
Town of Whitchurch-Stouffville, Regional Municipality of York, Lot 30, Concession IX.....	393/75	June 7/75
Town of Whitchurch-Stouffville, Regional Municipality of York, Lot 26, Concession III.....	...	394/75	June 7/75
Township of Mariposa, County of Victoria, Lot I, Concession A, Plan RD 200.....	...	395/75	June 7/75
Township of Flos, County of Simcoe, Lot 8, Concession I, Plan RD-1065.....	...	396/75	June 7/75
City of Kitchener, Regional Municipality of Waterloo, Formerly in the City of Kitchener in the County of Waterloo, Lot 149, Plan 1216.....	...	432/75	June 14/75
Township of Percy, County of Northumberland, Lot 9, Concession III, Plan RD-70.....	...	439/75	June 14/75
Township of Percy, County of Northumberland, Lot 6, Concession XI, Part 24, Plan RD 25.....	...	462/75	June 14/75
Township of Cavan, County of Peterborough, Lots 7 and 8, Concession VI, Plan 102.....	...	483/75	June 21/75
Township of Mariposa, County of Victoria, Lot 1, Con- cession A, Plan RD 200.....	...	484/75	June 21/75
City of Kitchener, Regional Municipality of Waterloo, Formerly City of Kitchener in County of Waterloo, Lot 50, Plan 1216.....	...	521/75	July 5/75
Township of Verulam, County of Victoria, Lot 4, Con- cession I, Plan 154, Highway Plan 192.....	...	547/75	July 12/75
Town of Simcoe, Regional Municipality of Haldimand, Norfolk, Lots 2 and 3, Concession VI, Formerly in the Town of Simcoe in the County of Norfolk, originally in the Township of Woodhouse in the County of Norfolk, Plan No. 997.....	...	548/75	July 12/75
City of Mississauga, Regional Municipality of Peel, Formerly in the Town of Mississauga, County of Peel, Lot 4, Plan K-22.....	...	581/75	July 26/75
Township of Percy, County of Northumberland, Lot 13, Concession IV, Plan RD-46.....	...	584/75	July 26/75
Township of Percy, County of Northumberland, Lot 6, Concession VII, Plan RD-41.....	...	594/75	Aug. 2/75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Restricted Areas			
Blind River.....	662	.....	.....
City of Timmins.....	...	*181 /74	Apr. 13 /74
<i>amended</i>	392 /74	June 1 /74
County of Brant—Township of Brantford.....	...	295 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
<i>amended</i>	582 /74	Aug. 24 /74
<i>amended</i>	550 /75	July 12 /75
County of Bruce—Township of Brant.....	...	273 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
<i>amended</i>	429 /75	June 14 /75
County of Bruce—Township of Carrick.....	...	274 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
County of Bruce—Township of Huron.....	...	272 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
County of Bruce—Town of Kincardine.....	...	329 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
<i>amended</i>	751 /74	Oct. 19 /74
<i>amended</i>	842 /74	Nov. 23 /74
<i>amended</i>	20 /75	Feb. 1 /75
County of Dufferin—Township of Mono.....	...	233 /74	May 4 /74
<i>amended</i>	450 /74	June 22 /74
<i>amended</i>	812 /74	Nov. 9 /74
County of Elgin—Township of Bayham.....	...	284 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
County of Elgin—Township of Malahide.....	...	283 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
<i>amended</i>	802 /74	Nov. 9 /74
County of Essex—Township of Colchester South.....	...	275 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
County of Essex—Township of Mersea.....	...	276 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
<i>amended</i>	586 /74	Aug. 24 /74
<i>amended</i>	82 /75	Feb. 22 /75
<i>amended</i>	207 /75	Apr. 5 /75
County of Essex—Township of Gosfield North.....	...	277 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
County of Frontenac—Township of Bedford.....	...	218 /75	Apr. 12 /75
<i>amended</i>	596 /75	Aug. 2 /75
County of Frontenac—Township of Oso.....	...	681 /74	Sept. 28 /74
<i>amended</i>	378 /75	May 31 /75
County of Grey—Township of Bentinck.....	...	293 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
<i>amended</i>	546 /74	Aug. 3 /74
County of Grey—Township of Glenelg.....	...	294 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
County of Grey—Township of Sarawak.....	...	292 /74	May 11 /74
<i>amended</i>	472 /74	July 6 /74
County of Haldimand			
(now Regional Municipality of Haldimand-Norfolk)			
Township of Canborough (now Town of Dunnville).....	...	279 /73	June 2 /73
<i>amended</i>	582 /73	Sept. 29 /73
<i>amended</i>	15 /74	Jan. 26 /74
<i>amended</i>	149 /74	Mar. 30 /74

* See (1975) 5 Ontario Reports (2d.) pp. 248-258

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Restricted Areas—Continued			
County of Haldimand—Township of Canborough			
—Continued			
amended.....	217/74	Apr. 27/74	
amended.....	667/74	Sept. 21/74	
amended.....	787/74	Nov. 2/74	
amended.....	948/74	Dec. 28/74	
amended.....	35/75	Feb. 8/75	
amended.....	88/75	Feb. 22/75	
County of Haldimand—Township of Dunn (<i>now Town of Dunnville</i>).....			
amended.....	280/73	June 2/73	
amended.....	470/73	Aug. 25/73	
amended.....	528/73	Sept. 8/73	
amended.....	592/73	Oct. 6/73	
amended.....	629/73	Oct. 27/73	
amended.....	647/73	Nov. 3/73	
amended.....	725/73	Dec. 8/73	
amended.....	765/73	Dec. 22/73	
amended.....	45/74	Feb. 16/74	
amended.....	150/74	Mar. 30/74	
amended.....	461/74	July 6/74	
amended.....	550/74	Aug. 3/74	
amended.....	593/74	Aug. 24/74	
amended.....	767/74	Oct. 26/74	
amended.....	861/74	Nov. 30/74	
amended.....	899/74	Dec. 7/74	
amended.....	914/74	Dec. 14/74	
amended.....	981/74	Jan. 11/75	
amended.....	19/75	Feb. 1/75	
amended.....	427/75	June 14/75	
amended.....	620/75	Aug. 9/75	
County of Haldimand—Township of Moulton (<i>now Town of Dunnville</i>).....			
amended.....	281/73	June 2/73	
amended.....	218/74	Apr. 27/74	
amended.....	590/74	Aug. 24/74	
amended.....	668/74	Sept. 21/74	
amended.....	127/75	Mar. 8/75	
County of Haldimand—Township of Rainham (<i>now Town of Haldimand</i>).....			
amended.....	282/73	June 2/73	
amended.....	693/73	Nov. 24/73	
amended.....	726/73	Dec. 8/73	
amended.....	73/74	Feb. 23/74	
amended.....	141/74	Mar. 23/74	
amended.....	583/74	Aug. 24/74	
amended.....	180/75	Mar. 29/75	
County of Haldimand—Township of Sherbrooke (<i>now Town of Dunnville</i>).....			
amended.....	283/73	June 2/73	
amended.....	119/74	Mar. 16/74	
amended.....	219/74	Apr. 27/74	
amended.....	744/74	Oct. 19/74	
amended.....	982/74	Jan. 11/75	
amended.....	496/75	June 28/75	
amended.....	621/75	Aug. 9/75	

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Planning Act—Continued				
Restricted Areas—Continued				
County of Haldimand—Township of South Cayuga (<i>now</i>				
Town of Haldimand)		284 /73	June 2 /73	
amended		469 /73	Aug. 25 /73	
amended		587 /73	Oct. 6 /73	
amended		694 /73	Nov. 24 /73	
amended		766 /73	Dec. 22 /73	
amended		782 /73	Dec. 29 /73	
amended		82 /74	Mar. 2 /74	
amended		138 /74	Mar. 23 /74	
amended		245 /74	May 4 /74	
amended		591 /74	Aug. 24 /74	
amended		900 /74	Dec. 7 /74	
amended		915 /74	Dec. 14 /74	
amended		595 /75	Aug. 2 /75	
County of Haldimand—Township of Walpole (<i>now City</i>				
of Nanticoke)		285 /73	June 2 /73	
amended		504 /73	Sept. 1 /73	
amended		584 /73	Sept. 29 /73	
amended		615 /73	Oct. 20 /73	
amended		727 /73	Dec. 8 /73	
amended		783 /73	Dec. 29 /73	
amended		96 /74	Mar. 9 /74	
amended		145 /74	Mar. 30 /74	
amended		234 /74	May 4 /74	
amended		378 /74	May 25 /74	
amended		479 /74	July 13 /74	
amended		536 /74	July 27 /74	
amended		669 /74	Sept. 21 /74	
amended		745 /74	Oct. 19 /74	
amended		827 /74	Nov. 16 /74	
amended		843 /74	Nov. 23 /74	
amended		2 /75	Jan. 18 /75	
amended		124 /75	Mar. 8 /75	
amended		437 /75	June 14 /75	
amended		464 /75	June 21 /75	
amended		538 /75	July 5 /75	
amended		553 /75	July 12 /75	
amended		611 /75	Aug. 9 /75	
amended		622 /75	Aug. 9 /75	
County of Haliburton—Township of Cardiff		663		
County of Halton—Town of Oakville		667 /73	Nov. 17 /73	
County of Hastings—Township of Sidney		319 /74	May 11 /74	
amended		472 /74	July 6 /74	
amended		532 /75	July 5 /75	
County of Hastings—Township of Thurlow		318 /74	May 11 /74	
amended		472 /74	July 6 /74	
amended		390 /75	June 7 /75	
County of Huron—Township of Colborne		750 /73	Dec. 15 /73	
amended		640 /74	Sept. 14 /74	
amended		299 /75	May 3 /75	
County of Huron—Township of East Wawanosh		349 /74	May 18 /74	
amended		994 /74	Jan. 11 /74	
amended		13 /75	Feb. 1 /75	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Restricted Areas—Continued			
County of Huron—Township of Goderich.....	749 /73		Dec. 15 /73
<i>amended</i>	521 /74		July 27 /74
County of Huron—Township of Hay.....	288 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
<i>amended</i>	181 /75		Mar. 29 /75
County of Huron—Township of Morris.....	291 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
County of Huron—Township of Stephen.....	289 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
<i>amended</i>	841 /74		Nov. 23 /74
County of Huron—Township of Turnberry.....	290 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
County of Huron—Township of Usborne.....	287 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
County of Kent—Township of Camden.....	278 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
<i>amended</i>	663 /74		Sept. 21 /74
County of Kent—Township of Chatham.....	10 /73		Jan. 27 /73
<i>amended</i>	102 /73		Mar. 17 /73
<i>amended</i>	258 /73		May 12 /73
<i>amended</i>	340 /73		June 23 /73
<i>amended</i>	428 /73		July 28 /73
<i>amended</i>	660 /73		Nov. 10 /73
<i>amended</i>	700 /73		Dec. 1 /73
<i>amended</i>	777 /73		Dec. 22 /73
<i>amended</i>	596 /74		Aug. 31 /74
<i>amended</i>	665 /74		Sept. 21 /74
<i>amended</i>	755 /74		Oct. 19 /74
<i>amended</i>	838 /74		Nov. 23 /74
<i>amended</i>	173 /75		Mar. 29 /75
<i>amended</i>	363 /75		May 24 /75
<i>amended</i>	505 /75		June 28 /75
<i>amended</i>	589 /75		Aug. 2 /75
<i>amended</i>	608 /75		Aug. 9 /75
County of Kent—Township of Harwich.....	11 /73		Jan. 27 /73
<i>amended</i>	103 /73		Mar. 17 /73
<i>amended</i>	198 /73		Apr. 21 /73
<i>amended</i>	199 /73		Apr. 21 /73
<i>amended</i>	699 /73		Dec. 1 /73
<i>amended</i>	4 /74		Jan. 19 /74
<i>amended</i>	403 /74		• June 8 /74
<i>amended</i>	500 /74		July 20 /74
<i>amended</i>	754 /74		Oct. 19 /74
County of Kent—Township of Raleigh.....	12 /73		Jan. 27 /73
<i>amended</i>	104 /73		Mar. 17 /73
<i>amended</i>	322 /73		June 16 /73
<i>amended</i>	779 /73		Dec. 29 /73
<i>amended</i>	597 /74		Aug. 31 /74
<i>amended</i>	639 /74		Sept. 14 /74
<i>amended</i>	753 /74		Oct. 19 /74
<i>amended</i>	839 /74		Nov. 23 /74
<i>amended</i>	992 /74		Jan. 11 /75
<i>amended</i>	11 /75		Feb. 1 /75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Restricted Areas—Continued			
County of Kent—Township of Raleigh—Continued			
<i>amended</i>	215 /75		Apr. 12 /75
<i>amended</i>	420 /75		June 7 /75
County of Lambton—Township of Bosanquet	280 /74		May 11 /74
County of Lambton—Township of Enniskillen	282 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
County of Lambton—Township of Plympton	279 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
County of Lambton—Township of Warwick	281 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
<i>amended</i>	655 /74		Sept. 14 /74
County of Lanark—Township of Bathurst	306 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
County of Lanark—Township of Beckwith	305 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
County of Lanark—Township of Drummond	307 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
County of Lanark—Township of North Elmsley	308 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
<i>amended</i>	60 /75		Feb. 15 /75
County of Lanark—Township of Ramsay	304 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
<i>amended</i>	211 /75		Apr. 5 /75
<i>amended</i>	430 /75		June 14 /75
County of Lanark—Township of South Sherbrooke	680 /74		Sept. 28 /74
<i>amended</i>	946 /74		Dec. 28 /74
<i>amended</i>	61 /75		Feb. 15 /75
<i>amended</i>	533 /75		July 5 /75
County of Leeds and Grenville—Township of Front of Leeds and Lansdowne	309 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
County of Leeds and Grenville—Township of South Elmsley	310 /74		May 11 /74
<i>amended</i>	472 /74		July 6 /74
<i>amended</i>	786 /74		Nov. 2 /74
<i>amended</i>	371 /75		May 31 /75
County of Norfolk (<i>now Regional Municipality of Haldi- mand-Norfolk</i>)—Township of Charlotteville (<i>now Township of Delhi</i>)	286 /73		June 2 /73
<i>amended</i>	435 /73		Aug. 4 /73
<i>amended</i>	490 /73		Aug. 25 /73
<i>amended</i>	552 /73		Sept. 15 /73
<i>amended</i>	598 /73		Oct. 13 /73
<i>amended</i>	648 /73		Nov. 3 /73
<i>amended</i>	679 /73		Nov. 17 /73
<i>amended</i>	825 /73		Jan. 12 /74
<i>amended</i>	83 /74		Mar. 2 /74
<i>amended</i>	152 /74		Mar. 30 /74
<i>amended</i>	209 /74		Apr. 20 /74
<i>amended</i>	379 /74		May 25 /74
<i>amended</i>	390 /74		June 1 /74
<i>amended</i>	480 /74		July 13 /74
<i>amended</i>	526 /74		July 20 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Restricted Areas—Continued			
County of Norfolk—Township of Charlotteville—Continued			
amended.....	594 /74	Aug. 24 /74	
amended.....	642 /74	Sept. 14 /74	
amended.....	797 /74	Nov. 9 /74	
amended.....	901 /74	Dec. 7 /74	
amended.....	36 /75	Feb. 8 /75	
amended.....	89 /75	Feb. 22 /75	
amended.....	203 /75	Apr. 5 /75	
amended.....	301 /75	May 3 /75	
amended.....	375 /75	May 31 /75	
amended.....	465 /75	June 21 /75	
amended.....	612 /75	Aug. 9 /75	
County of Norfolk—Township of Houghton.....	287 /73	June 2 /73	
County of Norfolk—Township of Middleton.....	288 /73	June 2 /73	
amended.....	577 /73	Sept. 29 /73	
County of Norfolk—Township of South Walsingham (now Township of Norfolk).....			
amended.....	289 /73	June 2 /73	
amended.....	436 /73	Aug. 4 /73	
amended.....	649 /73	Nov. 3 /73	
amended.....	74 /74	Feb. 23 /74	
amended.....	198 /74	Apr. 13 /74	
amended.....	624 /74	Sept. 7 /74	
amended.....	903 /74	Dec. 7 /74	
amended.....	904 /74	Dec. 7 /74	
amended.....	129 /75	Mar. 15 /75	
amended.....	204 /75	Apr. 5 /75	
amended.....	302 /75	May 3 /75	
amended.....	377 /75	May 31 /75	
amended.....	428 /75	June 14 /75	
amended.....	558 /75	July 12 /75	
County of Norfolk—Township of Townsend (now City of Nanticoke).....			
amended.....	290 /73	June 2 /73	
amended.....	414 /73	July 21 /73	
amended.....	496 /73	Sept. 1 /73	
amended.....	585 /73	Sept. 29 /73	
amended.....	588 /73	Oct. 6 /73	
amended.....	594 /73	Oct. 6 /73	
amended.....	650 /73	Nov. 3 /73	
amended.....	656 /73	Nov. 10 /73	
amended.....	728 /73	Dec. 8 /73	
amended.....	767 /73	Dec. 22 /73	
amended.....	784 /73	Dec. 29 /73	
amended.....	62 /74	Feb. 23 /74	
amended.....	97 /74	Mar. 9 /74	
amended.....	144 /74	Mar. 30 /74	
amended.....	182 /74	Apr. 13 /74	
amended.....	194 /74	Apr. 13 /74	
amended.....	199 /74	Apr. 13 /74	
amended.....	389 /74	June 1 /74	
amended.....	391 /74	June 1 /74	
amended.....	405 /74	June 8 /74	
amended.....	437 /74	June 22 /74	
amended.....	549 /74	Aug. 3 /74	

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Planning Act—Continued				
Restricted Areas—Continued				
County of Norfolk—Township of Townsend—Continued				
amended.....	584/74	Aug. 24/74		
amended.....	670/74	Sept. 21/74		
amended.....	746/74	Oct. 19/74		
amended.....	844/74	Nov. 23/74		
amended.....	908/74	Dec. 14/74		
amended.....	90/75	Feb. 22/75		
amended.....	216/75	Apr. 12/75		
amended.....	353/75	May 24/75		
amended.....	539/75	July 5/75		
amended.....	613/75	Aug. 9/75		
County of Norfolk—Township of Woodhouse (now City of Nanticoke).....				
amended.....	291/73	June 2/73		
amended.....	471/73	Aug. 25/73		
amended.....	589/73	Oct. 6/73		
amended.....	651/73	Nov. 3/73		
amended.....	678/73	Nov. 17/73		
amended.....	785/73	Dec. 29/73		
amended.....	63/74	Feb. 23/74		
amended.....	161/74	Apr. 6/74		
amended.....	197/74	Apr. 13/74		
amended.....	351/74	May 18/74		
amended.....	391/74	June 1/74		
amended.....	501/74	July 20/74		
amended.....	592/74	Aug. 24/74		
amended.....	769/74	Oct. 26/74		
amended.....	833/74	Nov. 23/74		
amended.....	59/75	Feb. 15/75		
amended.....	217/75	Apr. 12/75		
amended.....	370/75	May 31/75		
amended.....	466/75	June 21/75		
amended.....	529/75	July 5/75		
amended.....	531/75	July 5/75		
County of Northumberland—Township of Murray....				
amended.....	320/74	May 11/74		
amended.....	472/74	July 6/74		
amended.....	280/75	Apr. 26/75		
County of Ontario—Township of Mara.....				
205/73	Apr. 28/73			
County of Ontario—(now Regional Municipality of Durham) Township of Pickering (now Town of Ajax) ...				
amended.....	102/72	Mar. 18/72		
amended.....	179/72	May 6/72		
amended.....	294/72	July 1/72		
amended.....	404/72	Aug. 26/72		
amended.....	488/72	Oct. 21/72		
amended.....	2/73	Jan. 20/73		
amended.....	49/73	Feb. 24/73		
amended.....	100/73	Mar. 17/73		
amended.....	711/73	Dec. 1/73		
amended.....	786/73	Dec. 29/73		
amended.....	98/74	Mar. 9/74		
amended.....	463/74	July 6/74		
amended.....	577/74	Aug. 17/74		
amended.....	657/74	Sept. 21/74		
amended.....	692/74	Sept. 28/74		

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Restricted Areas—Continued			
County of Ontario—Township of Pickering—Continued			
amended.....	809/74	Nov. 9/74	
amended.....	928/74	Dec. 21/74	
amended.....	212/75	Apr. 5/75	
amended.....	425/75	June 14/75	
County of Ontario—Township of Scott (<i>now Township of Uxbridge</i>).....			
amended.....	105/72	Mar. 18/72	
amended.....	277/72	June 17/72	
amended.....	348/72	July 29/72	
amended.....	406/72	Aug. 26/72	
amended.....	492/72	Oct. 21/72	
amended.....	525/72	Nov. 11/72	
amended.....	99/73	Mar. 17/73	
amended.....	237/73	May 5/73	
amended.....	345/73	June 23/73	
amended.....	526/73	Sept. 8/73	
amended.....	652/73	Nov. 3/73	
amended.....	697/73	Nov. 24/73	
amended.....	14/74	Jan. 26/74	
amended.....	263/74	May 11/74	
amended.....	433/74	June 22/74	
amended.....	603/74	Aug. 31/74	
amended.....	738/74	Oct. 19/74	
amended.....	739/74	Oct. 19/74	
amended.....	18/75	Feb. 1/75	
amended.....	252/75	Apr. 26/75	
amended.....	426/75	June 14/75	
County of Ontario—Township of Uxbridge.....			
amended.....	103/72	Mar. 18/72	
amended.....	275/72	June 17/72	
amended.....	405/72	Aug. 26/72	
amended.....	489/72	Oct. 21/72	
amended.....	490/72	Oct. 21/72	
amended.....	236/73	May 5/73	
amended.....	607/73	Oct. 20/73	
amended.....	132/74	Mar. 23/74	
amended.....	464/74	July 6/74	
amended.....	736/74	Oct. 19/74	
County of Oxford—Township of Blandford.....			
amended.....	33/73	Feb. 10/73	
amended.....	55/73	Feb. 24/73	
amended.....	404/74	June 8/74	
amended.....	625/74	Sept. 7/74	
County of Oxford—Township of Dereham.....			
amended.....	348/74	May 18/74	
amended.....	993/74	Jan. 11/75	
County of Oxford—Township of East Zorra.....			
amended.....	44/73	Feb. 17/73	
amended.....	200/73	Apr. 21/73	
amended.....	778/73	Dec. 22/73	
amended.....	5/74	Jan. 19/74	
amended.....	195/74	Apr. 13/74	
amended.....	840/74	Nov. 23/74	
amended.....	57/75	Feb. 15/75	
County of Oxford—Town of Tillsonburg.....			
amended.....	347/74	May 18/74	
County of Perth—Township of Elma.....			
amended.....	285/74	May 11/74	
amended.....	472/74	July 6/74	

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Planning Act—Continued				
Restricted Areas—Continued				
County of Perth—Township of Wallace . . . . .	...	286 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
<i>amended</i> . . . . .	...	666 /74	Sept. 21 /74
<i>amended</i> . . . . .	...	121 /75	Mar. 8 /75
<i>amended</i> . . . . .	...	300 /75	May 3 /75
County of Peterborough—Township of Cavan . . . . .	...	619 /75	Aug. 9 /75
County of Peterborough—Township of North Monaghan . . . . .	...	66 /73	Mar. 3 /73
<i>amended</i> . . . . .	...	396 /73	July 14 /73
<i>amended</i> . . . . .	...	609 /73	Oct. 20 /73
<i>amended</i> . . . . .	...	588 /74	Aug. 24 /74
<i>amended</i> . . . . .	...	951 /74	Dec. 28 /74
<i>amended</i> . . . . .	...	976 /74	Jan. 4 /75
<i>amended</i> . . . . .	...	530 /75	July 5 /75
County of Prescott and Russell—Township of West Hawkesbury . . . . .	...	321 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
County of Prince Edward—Township of Hallowell . . . . .	...	326 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
<i>amended</i> . . . . .	...	824 /74	Nov. 16 /74
<i>amended</i> . . . . .	...	854 /74	Nov. 23 /74
<i>amended</i> . . . . .	...	431 /75	June 14 /75
<i>amended</i> . . . . .	...	461 /75	June 14 /75
County of Prince Edward—Township of North Marys- burg . . . . .	...	328 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
County of Prince Edward—Township of Sophiasburg . . . . .	...	327 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
County of Renfrew—Township of Admaston . . . . .	...	316 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
County of Renfrew—Township of Alice and Fraser . . . . .	...	314 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
County of Renfrew—Township of Horton . . . . .	...	317 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
County of Renfrew—Township of McNab . . . . .	...	311 /74	May 11 /74
County of Renfrew—Township of Pembroke . . . . .	...	315 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
<i>amended</i> . . . . .	...	527 /74	July 27 /74
County of Renfrew—Township of Rolph, Buchanan, Wylie and McKay . . . . .	...	312 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
County of Renfrew—Township of Stafford . . . . .	...	313 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
County of Renfrew—Township of Adjala . . . . .	...	301 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
County of Simcoe—Township of Essa . . . . .	...	299 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74
<i>amended</i> . . . . .	...	108 /75	Mar. 1 /75
<i>amended</i> . . . . .	...	303 /75	May 3 /75
<i>amended</i> . . . . .	...	454 /75	June 14 /75
County of Simcoe—Township of Tecumseth . . . . .	...	300 /74	May 11 /74
<i>amended</i> . . . . .	...	472 /74	July 6 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Restricted Areas—Continued			
County of Simcoe—Township of Vespra.....	62/73	Mar. 3/73	
<i>amended</i>	593/73	Oct. 6/73	
<i>amended</i>	17/74	Jan. 26/74	
<i>amended</i>	115/74	Mar. 16/74	
<i>amended</i>	406/74	June 15/74	
<i>amended</i>	595/74	Aug. 24/74	
<i>amended</i>	623/74	Sept. 7/74	
<i>amended</i>	932/74	Dec. 28/74	
<i>amended</i>	174/75	Mar. 29/75	
County of Victoria—Township of Ops.....	302/74	May 11/74	
<i>amended</i>	472/74	July 6/74	
<i>amended</i>	633/74	Sept. 14/74	
<i>amended</i>	4/75	Jan. 25/75	
District of Cochrane—Township of Glackmeyer.....	271/74	May 11/74	
Town of Kapuskasing.....	669		
<i>amended</i>	503/71	Dec. 18/71	
District of Kenora, Patricia Portion.....	69/71	Feb. 20/71	
<i>amended</i>	422/71	Oct. 9/71	
<i>amended</i>	412/73	July 21/73	
<i>amended</i>	34/74	Feb. 9/74	
<i>amended</i>	7/75	Jan. 25/75	
<i>amended</i>	122/75	Mar. 8/75	
District of Nipissing—Township of Strathy.....	666		
<i>amended</i>	740/73	Dec. 15/73	
Districts of Nipissing and Timiskaming.....	668		
District of Rainy River—Township of Alberton.....	268/74	May 11/74	
<i>amended</i>	472/74	July 6/74	
<i>amended</i>	12/75	Feb. 1/75	
District of Timiskaming.....	671		
<i>amended</i>	88/74	Mar. 2/74	
District of Timiskaming—Township of Dymond.....	269/74	May 11/74	
<i>amended</i>	472/74	July 6/74	
<i>amended</i>	616/74	Aug. 31/74	
<i>amended</i>	815/74	Nov. 16/74	
Improvement District of Ear Falls, District of Kenora, Patricia Portion.....	68/71	Feb. 20/71	
<i>amended</i>	380/71	Sept. 25/71	
<i>amended</i>	33/74	Feb. 9/74	
Improvement District of Temagami.....	667		
<i>amended</i>	561/72	Dec. 16/72	
<i>amended</i>	355/73	June 30/73	
<i>amended</i>	875/74	Nov. 30/74	
<i>amended</i>	214/75	Apr. 12/75	
Municipality of Metropolitan Toronto, Borough of Scarborough.....	20/74	Jan. 26/74	
Part of the Corporation of the City of Timmins.....	597/72	Jan. 13/73	
<i>amended</i>	434/73	Aug. 4/73	
<i>amended</i>	646/73	Nov. 3/73	
<i>amended</i>	795/73	Dec. 29/73	
<i>amended</i>	775/74	Oct. 26/74	
<i>amended</i>	933/74	Dec. 28/74	
<i>amended</i>	238/75	Apr. 19/75	
Part of the District of Algoma.....	997/74	Jan. 11/75	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Restricted Areas—Continued			
Part of the District of Manitoulin.....	153/74		Mar. 30/74
<i>amended</i>	559/75		July 12/75
Part of the District of Nipissing.....	540/74		Aug. 3/74
Part of the District of Rainy River.....	449/74		June 29/74
Part of the District of Sudbury.....	568/72		Dec. 30/72
<i>amended</i>	342/73		June 23/73
<i>amended</i>	416/73		July 21/73
<i>amended</i>	507/73		Sept. 1/73
<i>amended</i>	581/73		Sept. 29/73
<i>amended</i>	655/73		Nov. 10/73
<i>amended</i>	709/73		Dec. 1/73
<i>amended</i>	781/73		Dec. 29/73
<i>amended</i>	76/74		Feb. 23/74
<i>amended</i>	154/74		Mar. 30/74
<i>amended</i>	247/74		May 4/74
<i>amended</i>	434/74		June 22/74
<i>amended</i>	498/74		July 20/74
<i>amended</i>	587/74		Aug. 24/74
<i>amended</i>	615/74		Aug. 31/74
<i>amended</i>	776/74		Oct. 26/74
<i>amended</i>	834/74		Nov. 23/74
<i>amended</i>	902/74		Dec. 7/74
<i>amended</i>	380/75		May 31/75
<i>amended</i>	526/75		July 5/75
Part of the District of Sudbury—Township of Baldwin.	270/74		May 11/74
<i>amended</i>	472/74		July 6/74
Part of the District of Thunder Bay.....	109/75		Mar. 1/75
<i>amended</i>	506/75		June 28/75
Part of the District of Thunder Bay.....	219/75		Apr. 12/75
<i>amended</i>	402/75		June 7/75
Part of the Town of Kapuskasing.....	172/75		Mar. 29/75
Regional Municipality of Durham, Town of Ajax.....	18/74		Jan. 26/74
<i>amended</i>	466/74		July 6/74
Regional Municipality of Durham, Town of Pickering..	19/74		Jan. 26/74
<i>amended</i>	38/74		Feb. 9/74
<i>amended</i>	448/75		June 14/75
Regional Municipality of Durham, Town of Whitby...	467/74		July 6/74
<i>amended</i>	651/74		Sept. 14/74
<i>amended</i>	540/75		July 5/75
Regional Municipality of Haldimand-Norfolk—Town- ships of Delhi and Norfolk (<i>formerly Township of</i> <i>Middleton—County of Norfolk</i>).....	347/74		May 18/74
Regional Municipality of Hamilton-Wentworth, Town- ship of Flamborough.....	297/74		May 11/74
<i>amended</i>	472/74		July 6/74
<i>amended</i>	860/74		Nov. 30/74
<i>amended</i>	34/75		Feb. 8/75
Regional Municipality of Niagara, Township of West Lincoln.....	296/74		May 11/74
<i>amended</i>	472/74		July 6/74
Regional Municipality of Ottawa-Carleton.....	670		

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Planning Act—Continued				
Restricted Areas—Continued				
Regional Municipality of Ottawa-Carleton, Township of Cumberland.....		323 /74	May 11 /74	
<i>amended</i>		472 /74	July 6 /74	
<i>amended</i>		107 /75	Mar. 1 /75	
Regional Municipality of Ottawa-Carleton, Township of Marlborough (<i>now Township of Rideau</i>).....		529 /73	Sept. 8 /73	
<i>amended</i>		210 /74	Apr. 20 /74	
<i>amended</i>		330 /74	May 11 /74	
<i>amended</i>		331 /74	May 11 /74	
<i>amended</i>		458 /74	July 6 /74	
<i>amended</i>		484 /74	July 13 /74	
<i>amended</i>		524 /74	July 27 /74	
<i>amended</i>		704 /74	Oct. 12 /74	
<i>amended</i>		852 /74	Nov. 23 /74	
<i>amended</i>		189 /75	Apr. 5 /75	
<i>amended</i>		614 /75	Aug. 9 /75	
Regional Municipality of Ottawa-Carleton, Township of Rideau.....		322 /74	May 11 /74	
<i>amended</i>		472 /74	July 6 /74	
Regional Municipality of Ottawa-Carleton, Township of West Carleton.....		325 /74	May 11 /74	
<i>amended</i>		472 /74	July 6 /74	
<i>amended</i>		499 /74	July 20 /74	
Regional Municipality of Peel, City of Mississauga....		870 /74	Nov. 30 /74	
Regional Municipality of York, Town of Markham....		104 /72	Mar. 18 /72	
<i>amended</i>		145 /72	Apr. 15 /72	
<i>amended</i>		227 /72	May 27 /72	
<i>amended</i>		276 /72	June 17 /72	
<i>amended</i>		360 /72	Aug. 5 /72	
<i>amended</i>		491 /72	Oct. 21 /72	
<i>amended</i>		1 /73	Jan. 20 /73	
<i>amended</i>		98 /73	Mar. 17 /73	
<i>amended</i>		196 /73	Apr. 21 /73	
<i>amended</i>		306 /73	June 9 /73	
<i>amended</i>		344 /73	June 23 /73	
<i>amended</i>		696 /73	Nov. 24 /73	
<i>amended</i>		13 /74	Jan. 26 /74	
<i>amended</i>		81 /74	Mar. 2 /74	
<i>amended</i>		262 /74	May 11 /74	
<i>amended</i>		465 /74	July 6 /74	
<i>amended</i>		602 /74	Aug. 31 /74	
<i>amended</i>		652 /74	Sept. 14 /74	
<i>amended</i>		737 /74	Oct. 19 /74	
<i>amended</i>		10 /75	Feb. 1 /75	
<i>amended</i>		125 /75	Mar. 8 /75	
<i>amended</i>		271 /75	Apr. 26 /75	
Regional Municipality of York, Town of Whitchurch- Stouffville.....		101 /72	Mar. 18 /72	
<i>amended</i>		347 /72	July 27 /72	
<i>amended</i>		403 /72	Aug. 26 /72	
<i>amended</i>		487 /72	Oct. 21 /72	
<i>amended</i>		545 /72	Dec. 2 /72	
<i>amended</i>		50 /73	Feb. 24 /73	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Planning Act—Continued			
Restricted Areas—Continued			
Regional Municipality of York, Town of Whitchurch- Stouffville—Continued			
amended.....	105 /73	Mar. 17 /73	
amended.....	201 /73	Apr. 21 /73	
amended.....	353 /73	June 30 /73	
amended.....	425 /73	July 28 /73	
amended.....	550 /73	Sept. 15 /73	
amended.....	606 /73	Oct. 20 /73	
amended.....	710 /73	Dec. 1 /73	
amended.....	12 /74	Jan. 26 /74	
amended.....	87 /74	Mar. 2 /74	
amended.....	151 /74	Mar. 30 /74	
amended.....	261 /74	May 11 /74	
amended.....	407 /74	June 15 /74	
amended.....	462 /74	July 6 /74	
amended.....	482 /74	July 13 /74	
amended.....	691 /74	Sept. 28 /74	
amended.....	424 /75	June 14 /75	
Rules of Procedure.....	672	.....
Consent Applications.....	419 /75	June 7 /75	
Minor Variance Applications.....	494 /71	Dec. 11 /71	
amended.....	19 /73	Feb. 3 /73	
amended.....	645 /74	Sept. 14 /74	
Subdivision Control.....	673	.....
Subdivision Control.....	216 /72	May 20 /72	
Subdivision Control.....	402 /72	Aug. 26 /72	
Subdivision Control.....	362 /75	May 24 /75	
Zoning Order			
County of Essex, Township of Tilbury North.....	674	.....
amended.....	401 /71	Oct. 2 /71	
amended.....	508 /71	Dec. 18 /71	
amended.....	301 /72	July 1 /72	
amended.....	315 /72	July 8 /72	
amended.....	583 /73	Sept. 29 /73	
amended.....	752 /74	Oct. 19 /74	
amended.....	339 /75	May 24 /75	
County of Simcoe, Township of Nottawasaga.....	675	.....
amended.....	163 /71	May 8 /71	
amended.....	237 /71	June 19 /71	
amended.....	333 /71	Aug. 14 /71	
amended.....	438 /71	Oct. 30 /71	
amended.....	133 /72	Apr. 1 /72	
amended.....	202 /72	May 13 /72	
amended.....	417 /72	Sept. 2 /72	
amended.....	507 /72	Nov. 4 /72	
amended.....	6 /73	Jan. 27 /73	
amended.....	204 /73	Apr. 28 /73	
amended.....	601 /73	Oct. 13 /73	
amended.....	11 /74	Jan. 26 /74	
amended.....	202 /74	Apr. 20 /74	
amended.....	478 /74	July 13 /74	
amended.....	548 /74	Aug. 3 /74	

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Planning Act—Continued				
Zoning Order—Continued				
County of Simcoe, Township of Nottawasaga—Continued				
<i>amended</i>.....	...	770 /74		Oct. 26 /74
<i>amended</i>.....	...	354 /75		May 24 /75
District of Algoma.....	...	487 /71		Dec. 4 /71
District of Kenora.....	...	482 /71		Dec. 4 /71
District of Nipissing.....	...	486 /71		Dec. 4 /71
District of Parry Sound.....	...	484 /71		Dec. 4 /71
District of Rainy River.....	...	483 /71		Dec. 4 /71
District of Sudbury.....	...	485 /71		Dec. 4 /71
Plant Diseases Act				
General.....	677	.....		.....
Police Act				
Arbitration.....	678	.....		.....
Equipment.....	679	.....		.....
General.....	680	.....		.....
<i>amended</i>.....	...	10 /71		Jan. 23 /71
<i>amended</i>.....	...	296 /73		June 2 /73
<i>amended</i>.....	...	970 /74		Jan. 4 /74
Municipal Police Forces.....	...	780 /73		Dec. 29 /73
Responsibility of Policing.....	681	.....		.....
<i>amended</i>.....	...	171 /75		Mar. 29 /75
Power Corporation Act				
<i>(title of Act changed March 4th, 1974, See S.O. 1973, c. 57, s. 1 and s. 19, formerly The Power Commission Act)</i>				
Conversion to Sixty Cycles.....	682	.....		.....
Electrical Safety Code.....	...	168 /73		Apr. 14 /73
<i>amended</i>.....	...	898 /74		Dec. 7 /74
Fees.....	...	564 /73		Sept. 22 /73
Pension and Insurance Plan.....	685	.....		.....
<i>amended</i>.....	...	22 /71		Jan. 30 /71
<i>amended</i>.....	...	135 /71		Apr. 17 /71
<i>amended</i>.....	...	70 /72		Feb. 26 /72
<i>amended</i>.....	...	165 /73		Apr. 14 /73
<i>amended</i>.....	...	123 /74		Mar. 16 /74
<i>amended</i>.....	...	100 /75		Mar. 1 /75
Water Heaters.....	686	.....		.....
Prearranged Funeral Services Act				
Trust Accounts.....	687	.....		.....
Pregnant Mare Urine Farms Act.				
General.....	688	.....		.....
<i>amended</i>.....	...	211 /71		May 29 /71
Private Hospitals Act				
General.....	689	.....		.....
<i>amended</i>.....	...	417 /71		Oct. 9 /71
Private Investigators and Security Guards Act				
General.....	690	.....		.....
<i>amended</i>.....	...	76 /73		Mar. 10 /73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Private Vocational Schools Act, 1974			
General	881 /74	Nov. 30 /74
Professional Engineers Act			
Consulting Engineers	60 /73	Mar. 3 /73
Designation of Specialists	59 /73	Mar. 3 /73
General	691	.....	.....
Practice and Procedure for Hearings	111 /71	Mar. 20 /71
Property Tax Stabilization Act, 1973			
General	9 /74	Jan. 19 /74
<i>amended</i>	339 /74	May 18 /74
<i>amended</i>	977 /74	Jan. 4 /75
General	978 /74	Jan. 4 /75
<i>amended</i>	297 /75	May 3 /75
Provincial Courts Act			
General	692	.....	.....
Remuneration of Part-Time Provincial Judges	353 /74	May 25 /74
Salaries and Benefits of Provincial Judges	26 /74	Feb. 2 /74
<i>amended</i>	575 /75	July 26 /75
Provincial Land Tax Act			
Authorized Officers	40 /74	Feb. 9 /74
General	694	.....	.....
<i>amended</i>	269 /72	June 17 /72
Provincial Parks Act			
Designation of Parks	695	.....	.....
<i>amended</i>	114 /71	Mar. 20 /71
<i>amended</i>	72 /72	Feb. 26 /72
<i>amended</i>	245 /72	June 10 /72
<i>amended</i>	345 /72	July 29 /72
<i>amended</i>	473 /72	Sept. 30 /72
<i>amended</i>	46 /73	Feb. 24 /73
<i>amended</i>	110 /73	Mar. 24 /73
<i>amended</i>	111 /73	Mar. 24 /73
<i>amended</i>	46 /74	Feb. 16 /74
<i>amended</i>	451 /74	June 29 /74
<i>amended</i>	607 /74	Aug. 31 /74
<i>amended</i>	131 /75	Mar. 15 /75
General	696	.....	.....
<i>amended</i>	172 /72	Apr. 29 /72
<i>amended</i>	313 /72	July 8 /72
<i>amended</i>	395 /73	July 14 /73
<i>amended</i>	671 /74	Sept. 28 /74
<i>amended</i>	858 /74	Nov. 23 /74
Guides in Quetico Provincial Park	697	.....	.....
Pyschologists Registration Act			
General	698	.....	.....
<i>amended</i>	334 /74	May 18 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Public Commercial Vehicles Act			
Carrying Goods in Bond.....	699	.....	.....
<i>amended</i>.....	...	197/72	May 13/72
<i>amended</i>.....	...	556/75	July 12/75
General.....	700	.....	.....
<i>amended</i>.....	...	18/71	Jan. 23/71
<i>amended</i>.....	...	62/71	Feb. 13/71
<i>amended</i>.....	...	200/72	May 13/72
<i>amended</i>.....	...	364/72	Aug. 12/72
<i>amended</i>.....	...	144/73	Apr. 7/73
<i>amended</i>.....	...	416/74	June 15/74
<i>amended</i>.....	...	101/75	Mar. 1/75
Public Health Act			
Camps in Unorganized Territory.....	701	.....	.....
Capital Grants for Community Health Facilities.....	702	.....	.....
Communicable Diseases.....	703	.....	.....
<i>amended</i>.....	...	413/71	Oct. 9/71
Community Health Services.....	704	.....	.....
Designation of Human Ailments.....	705	.....	.....
Food Premises.....	706	.....	.....
<i>amended</i>.....	...	428/72	Sept. 9/72
<i>amended</i>.....	...	356/73	June 30/73
Grants to Boards of Health.....	709	.....	.....
Health Units			
Areas that may be included in Health Units.....	710	.....	.....
<i>amended</i>.....	...	75/71	Feb. 27/71
<i>amended</i>.....	...	144/71	Apr. 17/71
<i>amended</i>.....	...	399/71	Oct. 2/71
<i>amended</i>.....	...	131/72	Apr. 1/72
<i>amended</i>.....	...	35/74	Feb. 9/74
<i>amended</i>.....	...	53/74	Feb. 16/74
<i>amended</i>.....	...	563/74	Aug. 10/74
<i>amended</i>.....	...	641/74	Sept. 14/74
General.....	711	.....	.....
<i>amended</i>.....	...	42/71	Feb. 6/71
<i>amended</i>.....	...	51/71	Feb. 13/71
<i>amended</i>.....	...	120/71	Apr. 10/71
<i>amended</i>.....	...	128/71	Apr. 10/71
<i>amended</i>.....	...	145/71	Apr. 17/71
<i>amended</i>.....	...	198/71	May 29/71
<i>amended</i>.....	...	199/71	May 29/71
<i>amended</i>.....	...	400/71	Oct. 2/71
<i>amended</i>.....	...	456/71	Nov. 6/71
<i>amended</i>.....	...	127/72	Apr. 1/72
<i>amended</i>.....	...	272/73	May 26/73
<i>amended</i>.....	...	1/74	Jan. 19/74
<i>amended</i>.....	...	2/74	Jan. 19/74
<i>amended</i>.....	...	36/74	Feb. 9/74
<i>amended</i>.....	...	50/74	Feb. 16/74
<i>amended</i>.....	...	562/74	Aug. 10/74
<i>amended</i>.....	...	263/75	Apr. 26/75
<i>amended</i>.....	...	349/75	May 24/75
<i>amended</i>.....	...	350/75	May 24/75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Public Health Act—Continued			
General—Continued			
<i>amended</i>.....	...	468 /75	June 21 /75
<i>amended</i>.....	...	545 /75	July 12 /75
Indigent Patients.....	...	73 /75	Feb. 22 /75
Laboratories.....	...	483 /72	Oct. 14 /72
<i>amended</i>.....	...	343 /73	June 23 /73
<i>amended</i>.....	...	420 /73	July 14 /73
<i>amended</i>.....	...	463 /73	Aug. 18 /73
<i>amended</i>.....	...	766 /74	Oct. 26 /74
<i>amended</i>.....	...	888 /74	Nov. 30 /74
<i>amended</i>.....	...	405 /75	June 7 /75
Pasteurization Areas.....	713	.....	.....
Pasteurization Plants.....	714	.....	.....
<i>amended</i>.....	...	130 /74	Mar. 16 /74
<i>amended</i>.....	...	561 /74	Aug. 10 /74
Plumbing in Unorganized Territory.....	715	.....	.....
Public Swimming Pools.....	...	129 /74	Mar. 16 /74
Qualifications of Medical Officers of Health, Public Health Inspectors and Public Health Nurses.....	...	126 /72	Apr. 1 /72
Sanitary Code for Unorganized Territory.....	718	.....	.....
<i>amended</i>.....	...	228 /74	May 4 /74
Slaughter-Houses and Meat Processing Plants.....	719	.....	.....
Specimen Collection Centres.....	...	250 /74	May 11 /74
Summer Camps.....	720	.....	.....
X-Ray Safety.....	721	.....	.....
Public Hospitals Act			
Capital Financial Assistance for Hospital Construction and Renovation.....	722	.....	.....
Capital Grants for Ambulance Facilities.....	723	.....	.....
Capital Grants for Local Rehabilitation and Crippled Children's Centres.....	...	407 /71	Oct. 2 /71
Capital Grants for Regional Rehabilitation Hospitals.....	724	.....	.....
Capital Grants for Teaching Hospitals.....	725	.....	.....
Classification of Hospitals.....	726	.....	.....
<i>amended</i>.....	...	61 /71	Feb. 13 /71
<i>amended</i>.....	...	118 /71	Apr. 3 /71
<i>amended</i>.....	...	244 /71	June 19 /71
<i>amended</i>.....	...	375 /71	Sept. 18 /71
<i>amended</i>.....	...	436 /71	Oct. 30 /71
<i>amended</i>.....	...	146 /72	Apr. 15 /72
<i>amended</i>.....	...	176 /72	Apr. 29 /72
<i>amended</i>.....	...	211 /72	May 20 /72
<i>amended</i>.....	...	513 /72	Nov. 4 /72
<i>amended</i>.....	...	219 /73	Apr. 28 /73
<i>amended</i>.....	...	763 /73	Dec. 22 /73
<i>amended</i>.....	...	808 /73	Jan. 12 /74
<i>amended</i>.....	...	41 /74	Feb. 9 /74
<i>amended</i>.....	...	168 /74	Apr. 6 /74
<i>amended</i>.....	...	191 /74	Apr. 13 /74
<i>amended</i>.....	...	52 /75	Feb. 15 /75
<i>amended</i>.....	...	119 /75	Mar. 8 /75
<i>amended</i>.....	...	176 /75	Mar. 29 /75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Public Hospitals Act—Continued			
Classification of Hospitals—Continued			
<i>amended</i>.....	...	177/75	Mar. 29/75
<i>amended</i>.....	...	289/75	May 3/75
<i>amended</i>.....	...	489/75	June 28/75
Grants			
Capital.....	727	.....	.....
<i>amended</i>.....	...	445/74	June 29/74
Hospital Management.....	729	.....	.....
<i>amended</i>.....	...	119/71	Apr. 3/71
<i>amended</i>.....	...	229/71	June 12/71
<i>amended</i>.....	...	353/71	Sept. 4/71
<i>amended</i>.....	...	170/72	Apr. 22/72
<i>amended</i>.....	...	193/72	May 13/72
<i>amended</i>.....	...	247/72	June 10/72
<i>amended</i>.....	...	100/74	Mar. 9/74
Special Grant.....	...	807/73	Jan. 12/74
<i>amended</i>.....	...	441/74	June 29/74
Special Grant.....	...	44/74	Feb. 9/74
Special Grant.....	...	471/75	June 21/75
Special Grant.....	...	562/75	July 19/75
Public Lands Act			
Restricted Areas			
District of Algoma.....	...	293/71	July 31/71
District of Algoma.....	...	147/72	Apr. 15/72
District of Cochrane.....	732	.....	.....
District of Cochrane.....	...	447/74	June 29/74
District of Cochrane-Devitt, Eilber, McCowan, Baker, McCrea and Idington.....	733	.....	.....
District of Cochrane, Townships of Fournier, Lamarche, Clute and Hanna.....	734	.....	.....
District of Kenora.....	735	.....	.....
Districts of Kenora and Thunder Bay.....	...	360/73	June 30/73
District of Kenora—Patricia Portion.....	...	437/71	Oct. 30/71
District of Nipissing.....	...	422/75	June 7/75
District of Parry Sound.....	...	964/74	Jan. 4/75
District of Sudbury.....	737	.....	.....
District of Sudbury			
Townships of Cochrane, Chapleau, Gallagher, Panet, Tp. 28 and Tp. 29.....	738	.....	.....
Townships of Wakami and Tp. 22.....	739	.....	.....
District of Thunder Bay (<i>revoking</i>).....	...	338/75	May 24/75
District of Thunder Bay.....	741	.....	.....
District of Thunder Bay.....	...	86/73	Mar. 10/73
District of Thunder Bay—			
Townships of Blackwell, Conacher, Forbes, Goldie, Hagey, Haines, Laurie and the Dawson Road Lots.....	742	.....	.....
District of Timiskaming.....	743	.....	.....
Sale and Lease of Public Lands.....	...	246/71	June 19/71
<i>amended</i>.....	...	349/71	Aug. 28/71
<i>amended</i>.....	...	368/73	July 7/73
<i>amended</i>.....	...	514/75	July 5/75

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Public Libraries Act				
Grants for Public Libraries.....	...	339 /72	July 22 /72	
<i>amended</i>.....	...	446 /73	Aug. 18 /73
<i>amended</i>.....	...	544 /74	Aug. 3 /74
<i>amended</i>.....	...	151 /75	Mar. 22 /75
<i>amended</i>.....	...	592 /75	Aug. 2 /75
Public Service Act				
General.....	749	.....	.....
<i>amended</i>.....	...	27 /71	Jan. 30 /71
<i>amended</i>.....	...	38 /71	Feb. 6 /71
<i>amended</i>.....	...	150 /71	May 1 /71
<i>amended</i>.....	...	162 /71	May 8 /71
<i>amended</i>.....	...	365 /71	Sept. 18 /71
<i>amended</i>.....	...	420 /71	Oct. 9 /71
<i>amended</i>.....	...	421 /71	Oct. 9 /71
<i>amended</i>.....	...	439 /71	Oct. 30 /71
<i>amended</i>.....	...	504 /71	Dec. 18 /71
<i>amended</i>.....	...	32 /72	Feb. 19 /72
<i>amended</i>.....	...	33 /72	Feb. 19 /72
<i>amended</i>.....	...	74 /72	Mar. 4 /72
<i>amended</i>.....	...	144 /72	Apr. 15 /72
<i>amended</i>.....	...	223 /72	May 27 /72
<i>amended</i>.....	...	409 /72	Aug. 26 /72
<i>amended</i>.....	...	500 /72	Oct. 28 /72
<i>amended</i>.....	...	542 /72	Dec. 2 /72
<i>amended</i>.....	...	70 /73	Mar. 10 /73
<i>amended</i>.....	...	123 /73	Mar. 24 /73
<i>amended</i>.....	...	363 /73	June 30 /73
<i>amended</i>.....	...	422 /73	July 21 /73
<i>amended</i>.....	...	605 /73	Oct. 20 /73
<i>amended</i>.....	...	666 /73	Nov. 10 /73
<i>amended</i>.....	...	133 /74	Mar. 23 /74
<i>amended</i>.....	...	156 /74	Mar. 30 /74
<i>amended</i>.....	...	394 /74	June 8 /74
<i>amended</i>.....	...	114 /75	Mar. 8 /75
Joint Council.....	...	534 /71	Jan. 8 /72	
Overtime, Ontario Provincial Police.....	756	.....	.....
Stand-By, Ontario Provincial Police Force.....	757	.....	.....
Vacations, Ontario Provincial Police.....	759	.....	.....
Public Service Superannuation Act				
General.....	760	.....	.....
<i>amended</i>.....	...	801 /74	Nov. 9 /74
Public Transportation and Highway Improvement Act				
Designations				
Antrim to Quebec Boundary (Hwy. 417).....	389	.....	.....
<i>amended</i>.....	...	48 /72	Feb. 19 /72
<i>amended</i>.....	...	114 /72	Mar. 25 /72
<i>amended</i>.....	...	129 /72	Apr. 1 /72
<i>amended</i>.....	...	262 /72	June 17 /72
<i>amended</i>.....	...	548 /72	Dec. 2 /72
<i>amended</i>.....	...	17 /73	Feb. 3 /73
<i>amended</i>.....	...	730 /74	Oct. 12 /74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Public Transportation and Highway Improvement Act			
—Continued			
Designations—Continued			
Don Valley Parkway Extension (Hwy. 404).....	390	.....	.....
<i>amended</i>	502/73	Sept. 1/73
Homer to Queenston (Hwy. 405).....	391	.....	.....
London to Sarnia (Hwy. 402).....	392	.....	.....
<i>amended</i>	945/74	Dec. 28/74
Miscellaneous			
Northern Ontario.....	393	.....	.....
<i>amended</i>	87/71	Mar. 6/71
<i>amended</i>	148/71	Apr. 24/71
<i>amended</i>	7/74	Jan. 19/74
<i>amended</i>	364/75	May 24/75
Southern Ontario.....	394	.....	.....
<i>amended</i>	11/71	Jan. 23/71
<i>amended</i>	41/71	Feb. 6/71
<i>amended</i>	70/71	Feb. 20/71
<i>amended</i>	157/71	May 1/71
<i>amended</i>	165/71	May 8/71
<i>amended</i>	194/71	May 29/71
<i>amended</i>	238/71	June 19/71
<i>amended</i>	275/71	July 10/71
<i>amended</i>	406/71	Oct. 2/71
<i>amended</i>	477/71	Nov. 27/71
<i>amended</i>	46/72	Feb. 19/72
<i>amended</i>	128/72	Apr. 1/72
<i>amended</i>	174/72	Apr. 29/72
<i>amended</i>	263/72	June 17/72
<i>amended</i>	293/72	July 1/72
<i>amended</i>	341/72	July 22/72
<i>amended</i>	477/72	Oct. 7/72
<i>amended</i>	549/72	Dec. 2/72
<i>amended</i>	571/72	Dec. 30/72
<i>amended</i>	64/73	Mar. 3/73
<i>amended</i>	329/73	June 16/73
<i>amended</i>	537/73	Sept. 15/73
<i>amended</i>	630/73	Oct. 27/73
<i>amended</i>	633/73	Oct. 27/73
<i>amended</i>	692/73	Nov. 24/73
<i>amended</i>	6/74	Jan. 19/74
<i>amended</i>	106/74	Mar. 9/74
<i>amended</i>	264/74	May 11/74
<i>amended</i>	380/74	May 25/74
<i>amended</i>	381/74	May 25/74
<i>amended</i>	525/74	July 27/74
<i>amended</i>	723/74	Oct. 12/74
<i>amended</i>	724/74	Oct. 12/74
<i>amended</i>	857/74	Nov. 23/74
<i>amended</i>	9/75	Feb. 1/75
<i>amended</i>	86/75	Feb. 22/75
<i>amended</i>	314/75	May 17/75
<i>amended</i>	552/75	July 12/75

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Public Transportation and Highway Improvement Act				
—Continued				
Designations—Continued				
Queen Elizabeth Way.....	395	.....	.....	.....
<i>amended</i>.....	...	315/71	Aug.	7/71
<i>amended</i>.....	...	405/71	Oct.	2/71
<i>amended</i>.....	...	18/72	Feb.	5/72
<i>amended</i>.....	...	377/72	Aug.	12/72
<i>amended</i>.....	...	538/73	Sept.	15/73
<i>amended</i>.....	...	632/73	Oct.	27/73
<i>amended</i>.....	...	729/74	Oct.	12/74
<i>amended</i>.....	...	87/75	Feb.	22/75
Southwest Freeway				
Ottawa (Hwy. 416).....	396	.....	.....	.....
<i>amended</i>.....	...	137/72	Apr.	8/72
St. Catharines to Welland (Hwy. 406).....	397	.....	.....	.....
<i>amended</i>.....	...	478/75	June	21/75
Toronto to North Bay (Hwy. 400).....	398	.....	.....	.....
<i>amended</i>.....	...	164/71	May	8/71
<i>amended</i>.....	...	403/71	Oct.	2/71
<i>amended</i>.....	...	47/72	Feb.	19/72
<i>amended</i>.....	...	375/72	Aug.	12/72
<i>amended</i>.....	...	511/72	Nov.	4/72
<i>amended</i>.....	...	532/72	Nov.	18/72
<i>amended</i>.....	...	46/75	Feb.	15/75
<i>amended</i>.....	...	137/75	Mar.	15/75
Toronto to Quebec Boundary (Hwy. 401).....	399	.....	.....	.....
<i>amended</i>.....	...	195/71	May	29/71
<i>amended</i>.....	...	356/71	Sept.	4/71
<i>amended</i>.....	...	546/72	Dec.	2/72
<i>amended</i>.....	...	572/72	Dec.	30/72
<i>amended</i>.....	...	385/73	July	7/73
<i>amended</i>.....	...	628/73	Oct.	27/73
<i>amended</i>.....	...	265/74	May	11/74
<i>amended</i>.....	...	728/74	Oct.	12/74
<i>amended</i>.....	...	856/74	Nov.	23/74
<i>amended</i>.....	...	877/74	Nov.	30/74
<i>amended</i>.....	...	136/75	Mar.	15/75
Toronto to Windsor (Hwy. 401).....	400	.....	.....	.....
<i>amended</i>.....	...	77/73	Mar.	10/73
<i>amended</i>.....	...	170/73	Apr.	14/73
<i>amended</i>.....	...	359/73	June	30/73
<i>amended</i>.....	...	539/73	Sept.	15/73
<i>amended</i>.....	...	631/73	Oct.	27/73
<i>amended</i>.....	...	726/74	Oct.	12/74
<i>amended</i>.....	...	727/74	Oct.	12/74
<i>amended</i>.....	...	64/75	Feb.	15/75
<i>amended</i>.....	...	313/75	May	17/75
Toronto to Woodstock (Hwy. 403).....	401	.....	.....	.....
<i>amended</i>.....	...	357/71	Sept.	4/71
<i>amended</i>.....	...	547/72	Dec.	2/72
<i>amended</i>.....	...	540/73	Sept.	15/73
<i>amended</i>.....	...	725/74	Oct.	12/74
<i>amended</i>.....	...	855/74	Nov.	23/74

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Public Transportation and Highway Improvement Act				
—Continued				
Designations—Continued				
Trans-Canada Highway				
Orillia to Manitoba Boundary.....	402	.....	.....	.....
<i>amended</i>.....	...	239 /71		June 19 /71
<i>amended</i>.....	...	478 /71		Nov. 27 /71
<i>amended</i>.....	...	82 /72		Mar. 4 /72
<i>amended</i>.....	...	378 /72		Aug. 12 /72
<i>amended</i>.....	...	63 /73		Mar. 3 /73
<i>amended</i>.....	...	65 /73		Mar. 3 /73
<i>amended</i>.....	...	718 /73		Dec. 8 /73
<i>amended</i>.....	...	135 /75		Mar. 15 /75
<i>amended</i>.....	...	160 /75		Mar. 22 /75
<i>amended</i>.....	...	208 /75		Apr. 5 /75
<i>amended</i>.....	...	423 /75		June 14 /75
<i>amended</i>.....	...	535 /75		July 5 /75
Orillia to Quebec Boundary.....	403	.....	.....	.....
<i>amended</i>.....	...	53 /71		Feb. 13 /71
<i>amended</i>.....	...	80 /71		Feb. 27 /71
<i>amended</i>.....	...	404 /71		Oct. 2 /71
<i>amended</i>.....	...	49 /72		Feb. 19 /72
<i>amended</i>.....	...	113 /72		Mar. 25 /72
<i>amended</i>.....	...	138 /72		Apr. 8 /72
<i>amended</i>.....	...	376 /72		Aug. 12 /72
<i>amended</i>.....	...	453 /72		Sept. 23 /72
Woodbridge to Orono (Hwy. 407).....	404	.....	.....	.....
<i>amended</i>.....	...	384 /73		July 7 /73
Intersections in Unorganized Territory.....	405	.....	.....	.....
Permits.....	406	.....	.....	.....
Use of Rest, Service or Other Areas.....	407	.....	.....	.....
Public Trustee Act				
General.....	761	.....	.....	.....
<i>amended</i>.....	...	438 /74		June 22 /74
Public Vehicles Act				
General.....	762	.....	.....	.....
<i>amended</i>.....	...	363 /72		Aug. 12 /72
Public Works Creditors Payment Act				
Notice of Claim.....	763	.....	.....	.....
Time for Notice of Claim.....	764	.....	.....	.....
Pyramidic Sales Act, 1972				
General.....	...	300 /72		July 1 /72

R

Race Tracks Tax Act			
Rate of Tax.....	765	.....	.....
<i>amended</i>.....	...	215 /72	May 20 /72

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Radiological Technicians Act			
General.....	766	.....	.....
<i>amended</i>	180 /71	May 15 /71
<i>amended</i>	44 /72	Feb. 19 /72
<i>amended</i>	774 /73	Dec. 22 /73
Railway Fire Charge Act			
Charges for Fire Protection.....	767	.....	.....
Real Estate and Business Brokers Act			
General.....	769	.....	.....
<i>amended</i>	169 /71	May 8 /71
<i>amended</i>	441 /71	Nov. 6 /71
<i>amended</i>	267 /72	June 17 /72
<i>amended</i>	178 /75	Mar. 29 /75
<i>amended</i>	222 /75	Apr. 12 /75
<i>amended</i>	570 /75	July 26 /75
Reciprocal Enforcement of Judgments Act			
Application of Act.....	770	.....	.....
<i>amended</i>	424 /73	July 28 /73
<i>amended</i>	175 /75	Mar. 29 /75
Reciprocal Enforcement of Maintenance Orders Act			
Reciprocating States.....	771	.....	.....
<i>amended</i>	504 /72	Oct. 28 /72
<i>amended</i>	315 /73	June 9 /73
<i>amended</i>	705 /74	Oct. 12 /74
<i>amended</i>	29 /75	Feb. 8 /75
Regional Municipal Grants Act			
Additional Payment to the Township of Georgian Bay....	...	558 /73	Sept. 15 /74
Payments to Area Municipalities			
District Municipality of Muskoka and the Area Municipalities within the District of Muskoka.....	...	871 /74	Nov. 30 /74
Regional Municipality of Niagara and the Town of Richmond Hill.....	...	418 /72	Sept. 2 /72
Regional Municipality of Niagara.....	...	51 /75	Feb. 15 /74
Regional Municipality of Ottawa-Carleton.....	...	517 /72	Nov. 11 /72
Regional Municipality of Ottawa-Carleton.....	...	556 /73	Sept. 15 /73
Regional Municipality of Sudbury.....	...	91 /75	Feb. 22 /75
Special Payments to The Regional Municipality of Durham, The Area Municipalities within The Region of Durham and Municipalities and Counties affected by Restructure in the Area.....	...	684 /74	Sept. 28 /74
Special Payments to The Regional Municipality of Haldimand-Norfolk and the Area Municipalities within The Regional Municipality of Haldimand-Norfolk.....	...	807 /74	Nov. 9 /74
Special Payments to The Regional Municipality of Halton and the Area Municipalities within The Regional Municipality of Halton.....	...	822 /74	Nov. 16 /74
Special Payments to The Regional Municipality of Hamilton-Wentworth and the Area Municipalities within The Regional Municipality of Hamilton-Wentworth.....	...	823 /74	Nov. 16 /74
Special Payment to The Regional Municipality of Niagara.	...	673 /73	Nov. 17 /73
Special Payment—Town of Wasaga Beach.....	...	808 /74	Nov. 9 /74
Special Payment to the Borough of Scarborough.....	...	235 /75	Apr. 12 /75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Regional Municipality of Durham Act, 1973			
Orders of the Minister			
appointing committee of arbitrators pursuant to s. 28 (2) of the Act.....	794 /73	Dec. 29 /73	
confirming name of Regional Corporation.....	623 /73	Oct. 27 /73	
election of area councils, regional council and school boards.....	489 /73	Aug. 25 /73	
<i>amended</i>	525 /73	Sept. 8 /73	
<i>amended</i>	568 /73	Sept. 22 /73	
<i>amended</i>	641 /73	Oct. 27 /73	
public library board—Ajax.....	91 /74	Mar. 2 /74	
public library board—Township of Uxbridge.....	147 /74	Mar. 30 /74	
public library board—Newcastle.....	227 /74	May 4 /74	
public library board—Township of Brock.....	440 /74	June 29 /74	
Regional Municipality of Haldimand-Norfolk Act, 1973			
Orders of the Minister			
determination of name of area municipality of Town- ship of Delhi.....	716 /73	Dec. 1 /73	
determination of name of Regional Corporation.....	806 /73	Jan. 5 /74	
election of area councils and regional councils and determine name of regional municipality.....	653 /73	Nov. 3 /73	
<i>amended</i>	672 /73	Nov. 17 /73	
<i>amended</i>	717 /73	Dec. 1 /73	
public library board—Simcoe.....	139 /74	Mar. 23 /74	
public library board—Haldimand.....	140 /74	Mar. 23 /74	
establishment of The Dunnville Public Library.....	196 /74	Apr. 13 /74	
public library board—Township of Delhi.....	354 /74	May 25 /74	
public library board—Township of Norfolk.....	355 /74	May 25 /74	
public library board—Nanticoke.....	383 /74	May 25 /74	
election of member to first council—Town of Dunnville	388 /74	June 1 /74	
rates of taxation for general purposes for year 1974...	41 /75	Feb. 8 /75	
Regional Municipality of Halton Act, 1973			
Orders of the Minister			
confirming names of the towns of Central Halton and North Halton.....	622 /73	Oct. 27 /73	
determination of names of towns of Central Halton and North Halton.....	578 /73	Sept. 29 /73	
election of area councils, regional council and school boards.....	466 /73	Aug. 18 /73	
<i>amended</i>	565 /73	Sept. 22 /73	
<i>amended</i>	638 /73	Oct. 27 /73	
public library board—Milton.....	787 /73	Dec. 29 /73	
public library board—Halton Hills.....	27 /74	Feb. 2 /74	
rates of taxation for general purposes—1974—Schedule of mill rate adjustment.....	70 /75	Feb. 22 /75	
Regional Municipality of Hamilton-Wentworth Act, 1973			
Orders of the Minister			
election of area councils, regional council and boards of education.....	467 /73	Aug. 18 /73	
<i>amended</i>	518 /73	Sept. 8 /73	
<i>amended</i>	566 /73	Sept. 22 /72	
<i>amended</i>	639 /73	Oct. 27 /73	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Regional Municipality of Hamilton-Wentworth Act, 1973			
— <i>Continued</i>			
Orders of the Minister— <i>Continued</i>			
confirming name of Township of Flamborough.....	...	621 /73	Oct. 27 /73
determination of name of Township of Flamborough..	...	580 /73	Sept. 29 /73
establishment of Wentworth Library Board.....	...	805 /73	Jan. 5 /74
apportionment of sums required to operate Wentworth Library Board.....	...	146 /74	Mar. 30 /74
Regional Municipality of Niagara Act			
Financial Adjustments.....	772	.....	.....
Order of the Minister.....	...	368 /71	Sept. 18 /71
<i>amended</i>	188 /72	May 6 /72
Order of the Minister.....	...	303 /72	July 1 /72
Order of the Minister.....	...	422 /72	Sept. 2 /72
<i>amended</i>	451 /72	Sept. 23 /72
<i>amended</i>	551 /72	Dec. 9 /72
Regional Municipality of Peel Act, 1973			
Orders of the Minister			
confirming name of Town of Caledon.....	...	620 /73	Oct. 27 /73
determination of name of Town of Albion.....	...	579 /73	Sept. 29 /73
election of area councils and regional council.....	...	468 /73	Aug. 18 /73
<i>amended</i>	567 /73	Sept. 22 /73
<i>amended</i>	640 /73	Oct. 27 /73
public library board—City of Mississauga.....	...	788 /73	Dec. 29 /73
public library board—Brampton.....	...	28 /74	Feb. 2 /74
<i>amended</i>	240 /74	May 4 /74
public library board—Town of Caledon.....	...	399 /74	June 8 /74
rates of taxation for general purposes—1974—Schedule of mill rate adjustment.....	...	71 /75	Feb. 22 /75
Regional Municipality of Sudbury Act, 1972			
Order of the Minister.....	...	407 /72	Aug. 26 /72
<i>amended</i>	450 /72	Sept. 23 /72
Order of the Minister.....	...	479 /72	Oct. 14 /72
Order of the Minister.....	...	538 /72	Nov. 25 /72
Order of the Minister			
dissolution of boards and commissions in area munici- pality.....	...	141 /73	Mar. 31 /73
dissolution of boards and commissions.....	...	320 /73	June 9 /73
dissolution—community centre board—Town of Walden	...	823 /73	Jan. 12 /74
establishing public library board—Town of Onaping Falls.....	...	4 /73	Jan. 27 /73
establishing public library board—Town of Rayside- Balfour.....	...	58 /73	Mar. 3 /73
establishing public library board—Town of Walden...	...	79 /73	Mar. 10 /73
rates of taxation for general purposes—1974—Schedule of mill rate adjustment.....	...	72 /75	Feb. 22 /75
Regional Municipality of Waterloo Act, 1972			
Order of the Minister.....	...	427 /72	Sept. 9 /72
<i>amended</i>	449 /72	Sept. 23 /72
Order of the Minister.....	...	497 /72	Oct. 21 /72
Order of the Minister.....	...	539 /72	Nov. 25 /72

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Regional Municipality of Waterloo Act, 1972—Continued			
Orders of the Minister			
establishing public library board—City of Cambridge..	...	5 /73	Jan. 27 /73
<i>amended</i>.....	...	142 /73	Mar. 31 /73
employee—sick leave credits.....	...	350 /74	May 18 /74
Regional Municipality of York Act			
Appointment of Clerk, Treasurer, Engineer or Auditor....	768	.....	.....
Order of the Minister.....	...	286 /71	July 17 /71
Order of the Minister.....	...	424 /71	Oct. 16 /71
Order of the Minister.....	...	460 /71	Nov. 13 /71
Order of the Minister.....	...	373 /72	Aug. 12 /72
Order of the Minister.....	...	408 /72	Aug. 26 /72
Registry Act			
Canada Lands.....	774	.....	.....
<i>amended</i>.....	...	24 /71	Jan. 30 /71
Corporations Exempted Under Section 43 of the Act.....	775	.....	.....
<i>amended</i>.....	...	524 /75	July 5 /75
Fees.....	...	156 /72	Apr. 15 /72
<i>amended</i>.....	...	819 /73	Jan. 12 /74
Forms and Records.....	777	.....	.....
<i>amended</i>.....	...	335 /71	Aug. 14 /71
<i>amended</i>.....	...	150 /72	Apr. 15 /72
<i>amended</i>.....	...	96 /73	Mar. 17 /73
<i>amended</i>.....	...	635 /73	Oct. 27 /73
<i>amended</i>.....	...	60 /74	Feb. 16 /74
<i>amended</i>.....	...	494 /74	July 20 /74
<i>amended</i>.....	...	337 /75	May 17 /75
Registry Divisions.....	779	.....	.....
<i>amended</i>.....	...	177 /71	May 15 /71
<i>amended</i>.....	...	200 /71	May 29 /71
<i>amended</i>.....	...	467 /71	Nov. 20 /71
<i>amended</i>.....	...	154 /73	Apr. 7 /73
<i>amended</i>.....	...	253 /73	May 12 /73
<i>amended</i>.....	...	687 /74	Sept. 28 /74
<i>amended</i>.....	...	716 /74	Oct. 12 /74
<i>amended</i>.....	...	816 /74	Nov. 16 /74
<i>amended</i>.....	...	943 /74	Dec. 28 /74
<i>amended</i>.....	...	221 /75	Apr. 12 /75
Surveys, Plans and Descriptions of Land.....	780	.....	.....
<i>amended</i>.....	...	818 /73	Jan. 12 /74
<i>amended</i>.....	...	916 /74	Dec. 14 /74
<i>amended</i>.....	...	179 /75	Mar. 29 /75
Regulations Act			
General.....	781	.....	.....
Retail Sales Tax Act			
Definitions by Minister.....	784	.....	.....
<i>amended</i>.....	...	475 /71	Nov. 27 /71
<i>amended</i>.....	...	332 /74	May 18 /74
<i>amended</i>.....	...	587 /75	July 26 /75

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Retail Sales Tax Act—Continued			
General.....	785	.....	.....
<i>amended</i>	496 /71	Dec. 11 /71
<i>amended</i>	213 /72	May 20 /72
<i>amended</i>	325 /72	July 15 /72
<i>amended</i>	300 /73	June 2 /73
<i>amended</i>	417 /73	July 21 /73
<i>amended</i>	333 /74	May 18 /74
<i>amended</i>	195 /75	Apr. 5 /75
<i>amended</i>	213 /75	Apr. 12 /75
<i>amended</i>	253 /75	Apr. 26 /75
<i>amended</i>	591 /75	Aug. 2 /75
Machinery and Equipment Exemption Certificates.....	...	560 /75	July 19 /75
Riding Horse Establishment Act, 1972			
General.....	...	194 /73	Apr. 21 /73
S			
St. Clair Parkway Commission Act, 1966			
General.....	786	.....	.....
<i>amended</i>	56 /74	Feb. 16 /74
<i>amended</i>	626 /74	Sept. 1 /74
<i>amended</i>	317 /75	May 17 /75
St. Lawrence Parks Commission Act			
Controlled Access Highways.....	787	.....	.....
Highway Vested in the Commission.....	788	.....	.....
Parks.....	789	.....	.....
<i>amended</i>	148 /72	Apr. 15 /72
<i>amended</i>	458 /72	Sept. 30 /72
<i>amended</i>	318 /73	June 9 /73
<i>amended</i>	514 /73	Sept. 1 /73
<i>amended</i>	658 /73	Nov. 10 /73
<i>amended</i>	956 /74	Jan. 4 /75
<i>amended</i>	170 /75	Mar. 29 /75
Sanatoria for Consumptives Act			
General.....	790	.....	.....
<i>amended</i>	27 /72	Feb. 12 /72
Tuberculosis Control Clinics.....	791	.....	.....
Secondary Schools and Boards of Education Act			
(See now Education Act, 1974, S.O. 1974, c. 109, s. 272)			
Apportionment 1970 Requisitions.....	792	.....	.....
<i>amended</i>	373 /71	Sept. 18 /71
Apportionment 1971 Requisitions.....	...	58 /71	Feb. 13 /71
<i>amended</i>	790 /74	Nov. 2 /74
Apportionment 1972 Requisitions.....	...	99 /72	Mar. 18 /72
<i>amended</i>	310 /73	June 9 /73
Apportionment 1973 Requisitions.....	...	81 /73	Mar. 10 /73
<i>amended</i>	723 /73	Dec. 8 /73
<i>amended</i>	137 /74	Mar. 23 /74
Apportionment 1974 Requisitions.....	...	201 /74	Apr. 20 /74

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
Secondary Schools and Boards of Education Act—Continued (See now Education Act, 1974 , S.O. 1974, c. 109, s. 272)				
Designation of School Divisions in Territorial Districts....	793	.....	.....	.....
<i>amended</i>.....	...	394/71	Sept. 25/71	
<i>amended</i>.....	...	354/72	July 29/72	
<i>amended</i>.....	...	431/72	Sept. 9/72	
<i>amended</i>.....	...	234/73	May 5/73	
<i>amended</i>.....	...	250/73	May 12/73	
(<i>amended—see Education Act, 1974—S.O. 1974,</i> <i>c. 109</i>)				
Securities Act				
General.....	794	.....	.....	.....
<i>amended</i>.....	...	168/71	May 8/71	
<i>amended</i>.....	...	182/71	May 22/71	
<i>amended</i>.....	...	316/71	Aug. 7/71	
<i>amended</i>.....	...	524/71	Jan. 2/72	
<i>amended</i>.....	...	160/72	Apr. 22/72	
<i>amended</i>.....	...	491/73	Aug. 25/73	
<i>amended</i>.....	...	541/73	Sept. 15/73	
<i>amended</i>.....	...	645/73	Nov. 3/73	
<i>amended</i>.....	...	95/74	Mar. 9/74	
<i>amended</i>.....	...	495/74	July 20/74	
<i>amended</i>.....	...	600/74	Aug. 31/74	
<i>amended</i>.....	...	14/75	Feb. 1/75	
<i>amended</i>.....	...	155/75	Mar. 22/75	
Security Transfer Tax Act				
General.....	795	.....	.....	.....
<i>amended</i>.....	...	167/71	May 8/71	
<i>amended</i>.....	...	214/72	May 20/72	
Seed Potatoes Act				
General.....	796	.....	.....	.....
Separate Schools Act				
County Combined Separate School Zones.....	797	.....	.....	.....
<i>amended</i>.....	...	442/72	Sept. 16/72	
<i>amended</i>.....	...	232/73	May 5/73	
<i>amended</i>.....	...	85/74	Mar. 2/74	
<i>amended</i>.....	...	222/74	Apr. 27/74	
<i>amended</i>.....	...	629/74	Sept. 14/74	
District Combined Separate School Zones.....	798	.....	.....	.....
<i>amended</i>.....	...	432/72	Sept. 9/72	
<i>amended</i>.....	...	452/72	Sept. 23/72	
<i>amended</i>.....	...	233/73	May 5/73	
<i>amended</i>.....	...	249/73	May 12/73	
<i>amended</i>.....	...	743/73	Dec. 15/73	
<i>amended</i>.....	...	37/74	Feb. 9/74	
<i>amended</i>.....	...	630/74	Sept. 14/74	
(<i>amended see Education Act, 1974, S.O. 1974,</i> <i>c. 109</i>)				
Shoreline Property Assistance Act, 1973				
General.....	...	302/73	June 3/73	

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Silicosis Act			
General.....	799	.....	.....
<i>amended</i>.....	...	193/74	Apr. 13/74
Small Claims Courts Act			
Courts.....	800	.....	.....
<i>amended</i>.....	...	67/71	Feb. 20/71
<i>amended</i>.....	...	287/71	July 24/71
<i>amended</i>.....	...	6/72	Jan. 22/72
<i>amended</i>.....	...	90/72	Mar. 18/72
<i>amended</i>.....	...	260/72	June 17/72
<i>amended</i>.....	...	528/72	Nov. 18/72
<i>amended</i>.....	...	40/73	Feb. 17/73
<i>amended</i>.....	...	41/73	Feb. 17/73
<i>amended</i>.....	...	95/73	Mar. 17/73
<i>amended</i>.....	...	206/73	Apr. 28/73
<i>amended</i>.....	...	453/73	Aug. 18/73
<i>amended</i>.....	...	454/73	Aug. 18/73
<i>amended</i>.....	...	813/73	Jan. 12/74
<i>amended</i>.....	...	246/74	May 4/74
<i>amended</i>.....	...	336/74	May 18/74
<i>amended</i>.....	...	400/74	June 8/74
<i>amended</i>.....	...	876/74	Nov. 30/74
<i>amended</i>.....	...	984/74	Jan. 11/75
Rules of Procedure.....	801	.....	.....
Tariff of Fees.....	802	.....	.....
<i>amended</i>.....	...	401/72	Aug. 26/72
<i>amended</i>.....	...	72/74	Feb. 23/74
<i>amended</i>.....	...	950/74	Dec. 28/74
<i>amended</i>.....	...	604/75	Aug. 2/75
Stock Yards Act			
Management.....	803	.....	.....
Succession Duty Act			
General.....	804	.....	.....
<i>amended</i>.....	...	497/71	Dec. 11/71
<i>amended</i>.....	...	352/72	July 29/72
<i>amended</i>.....	...	348/73	June 23/73
Summary Convictions Act			
Ticket Summons.....	...	376/71	Sept. 18/71
<i>amended</i>.....	...	333/73	June 16/73
(see note, page 1089 (foot pagination) of the June 23rd, 1973 issue of <i>The Ontario Gazette</i>)			
<i>amended</i>.....	...	495/73	Sept. 1/73
<i>amended</i>.....	...	574/75	July 26/75
Surrogate Courts Act			
Rules of Practice.....	806	.....	.....
<i>amended</i>.....	...	519/71	Jan. 1/72
Surveyors Act			
General.....	...	35/73	Feb. 17/73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Surveys Act			
Monuments.....	807	.....	.....
<i>amended</i>.....	...	72 /73	Mar. 10 /73
<i>amended</i>.....	...	29 /74	Feb. 2 /74
Survey Methods.....	808	.....	.....
<i>amended</i>.....	...	71 /73	Mar. 10 /73
The Ontario Co-ordinate System.....	809	.....	.....
T			
Teachers' Superannuation Act			
General.....	810	.....	.....
<i>amended</i>.....	...	374 /71	Sept. 18 /71
<i>amended</i>.....	...	195 /72	May 13 /72
<i>amended</i>.....	...	474 /72	Sept. 30 /72
<i>amended</i>.....	...	529 /72	Nov. 18 /72
<i>amended</i>.....	...	522 /73	Sept. 8 /73
<i>amended</i>.....	...	673 /74	Sept. 28 /74
Theatres Act			
General.....	811	.....	.....
<i>amended</i>.....	...	586 /72	Jan. 6 /73
<i>amended</i>.....	...	181 /73	Apr. 14 /73
Tile Drainage Act			
General.....	...	327 /71	Aug. 14 /71
<i>amended</i>.....	...	606 /74	Aug. 31 /74
Tobacco Tax Act			
General.....	812	.....	.....
<i>amended</i>.....	...	212 /72	May 20 /72
<i>amended</i>.....	...	285 /72	June 24 /72
Toll Bridges Act			
General (<i>revoking</i>).....	...	677 /73	Nov. 17 /73
Tourism Act			
General.....	...	390 /72	Aug. 19 /72
<i>amended</i>.....	...	551 /73	Sept. 15 /73
<i>amended</i>.....	...	620 /74	Sept. 7 /74
<i>amended</i>.....	...	304 /75	May 10 /75
<i>amended</i>.....	...	542 /75	July 12 /75
Training Schools Act			
General.....	815	.....	.....
<i>amended</i>.....	...	470 /71	Nov. 27 /71
<i>amended</i>.....	...	357 /72	Aug. 5 /72
<i>amended</i>.....	...	86 /74	Mar. 2 /74
<i>amended</i>.....	...	883 /74	Nov. 30 /74
Travel Industry Act, 1974			
General.....	...	367 /75	May 31 /75
<i>amended</i>.....	...	499 /75	June 28 /75

		Regulation No.		Date of Gazette
		R.R.O. 1970	O. Reg.	
U				
Upholstered and Stuffed Articles Act				
General.....	817	.....	.....
<i>amended</i>.....	...	520 /73	Sept. 8 /73	
<i>amended</i>.....	...	576 /73	Sept. 29 /73	
<i>amended</i>.....	...	105 /74	Mar. 9 /74	
<i>amended</i>.....	...	223 /75	Apr. 12 /75	
<i>amended</i>.....	...	522 /75	July 5 /75	
<i>amended</i>.....	...	573 /75	July 26 /75	
Used Car Dealers Act				
(See now Motor Vehicle Dealers Act)				
(title of Act changed Jan. 1st, 1972, See S.O. 1971, c. 21, s. 1.)				
V				
Venereal Diseases Prevention Act				
General.....	819	.....	.....
<i>amended</i>.....	...	3 /71	Jan. 16 /71	
Vital Statistics Act				
General.....	820	.....	.....
<i>amended</i>.....	...	243 /72	June 3 /72	
<i>amended</i>.....	...	28 /73	Feb. 10 /73	
<i>amended</i>.....	...	432 /73	Aug. 4 /73	
<i>amended</i>.....	...	39 /74	Feb. 9 /74	
Vocational Rehabilitation Services Act				
General.....	821	.....	.....
<i>amended</i>.....	...	62 /72	Feb. 26 /72	
<i>amended</i>.....	...	376 /73	July 7 /73	
<i>amended</i>.....	...	800 /73	Dec. 29 /73	
<i>amended</i>.....	...	971 /74	Jan. 4 /75	
<i>amended</i>.....	...	188 /75	Apr. 5 /75	
<i>amended</i>.....	...	573 /75	July 26 /75	
<i>amended</i>.....	...	588 /75	Aug. 2 /75	
Voters' Lists Act				
General.....	822	.....	.....
W				
Warble Fly Control Act				
General.....	823	.....	.....
<i>amended</i>.....	...	15 /73	Feb. 3 /73	
Waste Management Act				
(See now Environmental Protection Act, 1971)				
Weed Control Act				
General.....	...	195 /73	Apr. 21 /73	
Welfare Units Act				
General.....	826	.....	.....

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Wild Rice Harvesting Act			
General.....	827	.....	.....
Wilderness Areas Act			
Wilderness Areas.....	828	.....	.....
<i>amended</i>.....	...	204 /71	May 29 /71
<i>amended</i>.....	...	509 /71	Dec. 25 /71
<i>amended</i>.....	...	225 /72	May 27 /72
Wine Content Act, 1972			
General.....	...	107 /73	Mar. 17 /73
Woodlands Improvement Act			
General.....	832	.....	.....
<i>amended</i>.....	...	378 /71	Sept. 25 /71
<i>amended</i>.....	...	455 /71	Nov. 6 /71
Workmen's Compensation Act			
First-Aid Requirements.....	...	6 /71	Jan. 16 /71
General.....	834	.....	.....
<i>amended</i>.....	...	5 /71	Jan. 16 /71
<i>amended</i>.....	...	186 /72	May 6 /72
<i>amended</i>.....	...	591 /72	Jan. 13 /73
<i>amended</i>.....	...	246 /73	May 12 /73
<i>amended</i>.....	...	814 /73	Jan. 12 /74
Pension Plan.....	835	.....	.....
<i>amended</i>.....	...	520 /72	Nov. 11 /72
<i>amended</i>.....	...	626 /73	Oct. 27 /73
<i>amended</i>.....	...	551 /74	Aug. 10 /74
<i>amended</i>.....	...	38 /75	Feb. 8 /75

PART II

Showing the Regulations contained in Revised Regulations of Ontario, 1970 and subsequent Regulations filed to the 25th day of July, 1975 that have been revoked, are revoking only or have expired.

R.R.O. 1970 Regulations	Disposition	R.R.O. 1970 Regulations	Disposition
3	Rev. 494 /73	190	Rev. 105 /75
4	Rev. 494 /73	192	Rev. 517 /71
10	Rev. 183 /72	195	Rev. 510 /72
27	Rev. 371 /71	196	Rev. 295 /73
28	Rev. 165 /72	197	Rev. 392 /71
38	Rev. 171 /73	203	Rev. 457 /71
40	Rev. 268 /71	206	Rev. 517 /71
42	Rev. 293 /72	207	Rev. 84 /74
45	Rev. 221 /74	209	Rev. 205 /71
47	Rev. 298 /73	210	Rev. 84 /74
48	Rev. 124 /73	211	Rev. 279 /75
52	Rev. 612 /73	212	Rev. 246 /72
58	Rev. 423 /72	214	Rev. 419 /73
59	Rev. 411 /72	216	Rev. 69 /73
60	Rev. 268 /71	219	Rev. 390 /72
61	Rev. 370 /72	220	Rev. 720 /73
63	Rev. 733 /74	221	Rev. 261 /73
67	Rev. 476 /72	222	Rev. 190 /71
72	Rev. 732 /74	237	Rev. 197 /71
82	Rev. 56 /75	252	Rev. 45 /72
91	Rev. 21 /71	253	Rev. 298 /72
93	Rev. 236 /75	258	Rev. 134 /72
97	Rev. 734 /74	276	Rev. 132 /75
99	Rev. 273 /72	279	Rev. 424 /74
101	Rev. 460 /72	282	Rev. 298 /72
102	Rev. 516 /74	295	Rev. 372 /75
103	Rev. 513 /74	299	Rev. 430 /71
106	Rev. 273 /72	315	Rev. 593 /72
107	Rev. 248 /74	316	Rev. 594 /72
112	Rev. 813 /74	347	Rev. 413 /73
116	Rev. 224 /71	350	Rev. 275 /73
117	Rev. 108 /71	361	Rev. 516 /73
120	Rev. 755 /73	363	Rev. 48 /75
121	Rev. 356 /74	374	Rev. 387 /72
122	Rev. 272 /72	376	Rev. 181 /71
123	Rev. 783 /74	381	Rev. 746 /73
124	Rev. 37 /71	388	Rev. 123 /72
125	Rev. 735 /73	409	Rev. 185 /75
127	Rev. 419 /73	417	Rev. 731 /73
129	Exp.	428	Rev. 92 /73
131	Rev. 307 /73	440	Rev. 552 /74
132	Rev. 307 /73	443	Rev. 323 /72
145	Rev. 187 /72	444	Rev. 323 /72
146	Rev. 187 /72	446	Rev. 323 /72
147	Rev. 367 /73	447	Rev. 124 /72
149	Rev. 319 /72	448	Rev. 367 /71
157	Rev. 320 /72	451	Rev. 558 /72
158	Rev. 372 /74	452	Rev. 559 /72
164	Rev. 397 /71	453	Rev. 259 /72
168	Rev. 593 /75	454	Rev. 259 /72

R.R.O. 1970 Regulations	Disposition	R.R.O. 1970 Regulations	Disposition
459	Rev. 116/75	603	Rev. 546/71
460	Rev. 116/75	606	Rev. 775/73
461	Rev. 116/75	610	Rev. 465/71
462	Rev. 116/75	613	Rev. 372/73
463	Rev. 116/75	615	Rev. 451/71
464	Rev. 116/75	621	Rev. 578/75
465	Rev. 116/75	622	Rev. 508/72
466	Rev. 116/75	633	Rev. 624/73
467	Rev. 116/75	638	Rev. 456/73
468	Rev. 116/75	651	Rev. 585/75
469	Rev. 116/75	653	Rev. 347/73
470	Rev. 116/75	655	Rev. 207/72
471	Rev. 116/75	657	Rev. 618/74
472	Rev. 116/75	658	Rev. 579/75
473	Rev. 116/75	659	Rev. 579/75
474	Rev. 116/75	660	Rev. 579/75
475	Rev. 116/75	661	Rev. 579/75
476	Rev. 116/75	664	Rev. 68/71
477	Rev. 116/75	665	Rev. 69/71
478	Rev. 116/75	676	Rev. 568/72
479	Rev. 116/75	683	Rev. 168/73
480	Rev. 116/75	684	Rev. 564/73
481	Rev. 116/75	693	Rev. 26/74
482	Rev. 106/71	707	Rev. 429/72
483	Rev. 116/75	708	Rev. 668/73
484	Rev. 116/75	712	Rev. 73/75
485	Rev. 116/75	716	Rev. 113/71
486	Rev. 116/75	730	Rev. 349/71
487	Rev. 116/75	731	Rev. 293/71
488	Rev. 116/75	736	Rev. 437/71
489	Rev. 116/75	740	Rev. 338/75
490	Rev. 116/75	747	Rev. 349/71
491	Rev. 116/75	748	Rev. 339/72
492	Rev. 116/75	750	Exp.
493	Rev. 116/75	751	Exp.
494	Rev. 116/75	752	Exp.
495	Rev. 116/75	753	Exp.
496	Rev. 116/75	754	Rev. 274/71
497	Rev. 116/75	755	Exp.
498	Rev. 116/75	758	Exp.
499	Rev. 116/75	773	Rev. 368/71
500	Rev. 116/75	776	Rev. 156/72
501	Rev. 116/75	778	Rev. 61/74
502	Rev. 116/75	782	Rev. 86/72
503	Rev. 116/75	783	Rev. 243/71
504	Rev. 116/75	805	Rev. 376/71
505	Rev. 116/75	813	Rev. 677/73
519	Rev. 318/71	814	Rev. 881/74
520	Rev. 847/74	816	Rev. 419/73
540	Rev. 13/72	818	Rev. 98/71
542	Rev. 219/71	825	Rev. 195/73
543	Rev. 526/71	829	Rev. /72, c. 144, s. 1 (1)
555	Rev. 58/74	830	Rev. /72, c. 144, s. 1 (1)
561	Rev. 736/71	831	Act repealed—S.O. 1972, c. 119, s. 15
565	Rev. 498/71		
573	Rev. 335/75	833	Rev. 6/71
581	Rev. 394/72		

Ontario Regulations	Disposition	Ontario Regulations	Disposition
2/71	Rev. 618/74	176/71	Rev. 1/75
4/71	Rev. 37/72	178/71	Exp.
7/71	Rev. 168/73	183/71	Rev. 187/72
8/71	Revkg.	184/71	Rev. 116/73
13/71	Rev. 158/72	185/71	Rev. 367/73
14/71	Rev. 598/72	186/71	Rev. 187/72
23/71	Exp.	189/71	Exp.
26/71	Rev. 347/73	190/71	Rev. 316/73
31/71	Exp.	192/71	Rev. 439/72
33/71	Rev. 781/74	193/71	Rev. 438/72
34/71	Rev. 17/72	197/71	Rev. 720/74
35/71	Rev. 452/72	205/71	Revkg.
46/71	Rev. 594/72	208/71	Rev. 456/75
47/71	Rev. 43/73	209/71	Rev. 69/73
48/71	Rev. 103/71	212/71	Rev. 324/71
49/71	Rev. 48/73	213/71	Revkg.
50/71	Rev. 429/71	214/71	Rev. 12/72
54/71	Rev. 94/72	217/71	Rev. 439/74
55/71	Rev. 76/72	219/71	Revkg.
56/71	Rev. 452/72	220/71	Revkg.
60/71	Rev. 323/72	222/71	Rev. 388/72
64/71	Rev. 568/72	223/71	Rev. 768/73
65/71	Rev. 158/72	226/71	Rev. 612/73
66/71	Rev. 159/72	228/71	Rev. 116/75
71/71	Rev. 49/75	234/71	Exp.
79/71	Rev. 298/73	235/71	Rev. 123/72
81/71	Rev. 552/72	236/71	Rev. 569/74
83/71	Exp.	240/71	Rev. 453/72
84/71	Rev. 211/73	241/71	Rev. 323/72
85/71	Exp.	242/71	Exp.
88/71	Rev. 431/72	243/71	Exp.
90/71	Rev. 116/75	245/71	Rev. 250/71
93/71	Rev. 69/73	247/71	Rev. 338/72
94/71	Rev. 524/75	250/71	Revkg.
95/71	Rev. 56/75	251/71	Rev. 219/72
99/71	Rev. 131/74	252/71	Rev. 53/75
101/71	Exp.	253/71	Rev. 73/72
102/71	Rev. 618/73	255/71	Rev. 188/75
103/71	Rev. 543/71	259/71	Rev. 626/74
104/71	Rev. 494/73	261/71	Exp.
105/71	Rev. 420/71	268/71	Rev. 465/71
106/71	Rev. 116/75	270/71	Rev. 419/73
108/71	Rev. 824/73	273/71	Exp.
109/71	Rev. 94/72	274/71	Revkg.
110/71	Exp.	277/71	Rev. 715/73
112/71	Rev. 494/73	278/71	Exp.
113/71	Rev. 129/74	279/71	Exp.
123/71	Rev. 881/74	288/71	Rev. 355/74
129/71	Rev. 578/75	289/71	Rev. 335/75
130/71	Rev. 494/73	290/71	Rev. 370/72
131/71	Rev. 238/74	291/71	Exp.
132/71	Rev. 237/74	292/71	Rev. 728/74
147/71	Exp.	295/71	Rev. 366/72
156/71	Rev. 268/72	296/71	Rev. 95/74
158/71	Rev. 463/72	298/71	Rev. 522/73
165/71	Rev. 128/72	301/71	Rev. 527/71
173/71	Exp.	322/71	Rev. 361/74

Ontario Regulations	Disposition	Ontario Regulations	Disposition
323/71	Rev. 129/74	464/71	Exp.
325/71	Rev. 69/73	465/71	Rev. 562/73
326/71	Rev. 200/72	468/71	Rev. 267/72
328/71	Rev. 56/75	470/71	Rev. 86/74
331/71	Rev. 203/74	476/71	Exp.
332/71	Rev. 204/74	481/71	Rev. 464/72
334/71	Rev. 568/72	488/71	Rev. 48/73
337/71	Rev. 95/74	490/71	Exp.
338/71	Rev. 339/72	492/71	Rev. 126/75
341/71	Rev. 323/72	493/71	Rev. 419/75
342/71	Rev. 520/75	495/71	Rev. 188/75
345/71	Rev. 451/71	498/71	Rev. 568/72
346/71	Exp.	499/71	Rev. 116/75
347/71	Exp.	500/71	Exp.
348/71	Rev. 48/73	505/71	Rev. 536/71
351/71	Rev. 159/72	506/71	Rev. 537/71
352/71	Rev. 360/71	507/71	Exp.
354/71	Rev. 713/73	511/71	Rev. 323/72
355/71	Rev. 845/74	517/71	Rev. 140/75
357/71	Rev. 725/74	522/71	Rev. 439/74
358/71	Rev. 360/71	531/71	Rev. 140/73
359/71	Rev. 69/73	536/71	Rev. 271/72
360/71	Revkg.	537/71	Rev. 270/72
370/71	Rev. 275/73	540/71	Rev. S.O. 1975, c. 66, s. 18
377/71	Rev. 335/74	543/71	Rev. 326/72
381/71	Rev. 498/71	1/72	Rev. 129/74
385/71	Rev. 56/75	2/72	Exp.
388/71	Rev. 800/73	3/72	Rev. 761/74
393/71	Rev. 593/75	4/72	Exp.
397/71	Rev. 576/75	5/72	Exp.
398/71	Rev. 618/74	7/72	Rev. 31/73
408/71	Rev. 323/72	8/72	Exp.
412/71	Exp.	9/72	Exp.
414/71	Exp.	11/72	Rev. 713/73
415/71	Exp.	12/72	Rev. 845/74
416/71	Exp.	16/72	Rev. 629/74
418/71	Rev. 388/72	17/72	Rev. 37/74
425/71	Exp.	20/72	Rev. 413/73
427/71	Rev. 48/73	25/72	Rev. 187/73
429/71	Rev. 7/73	26/72	Rev. 116/75
430/71	Revkg.	28/72	Exp.
431/71	Rev. 158/72	35/72	Rev. 96/72
433/71	Rev. 69/73	36/72	Rev. 95/72
434/71	Rev. 123/72	39/72	Rev. 797/73
435/71	Rev. 800/73	42/72	Exp.
442/71	Rev. 60/74	43/72	Exp.
447/71	Exp.	50/72	Rev. 87/73
448/71	Exp.	54/72	Rev. 494/73
449/71	Exp.	58/72	Rev. 375/73
450/71	Exp.	59/72	Rev. 715/73
451/71	Rev. 237/72	61/72	Rev. 268/72
452/71	Rev. 323/72	65/72	Rev. 799/73
453/71	Rev. 706/74	66/72	Rev. 378/72
457/71	Revkg.	67/72	Rev. 797/73
459/71	Rev. 15/72	68/72	Rev. 473/72
462/71	Rev. 505/71	73/72	Rev. 446/72
463/71	Rev. 506/71	76/72	Revkg.

Ontario Regulations	Disposition	Ontario Regulations	Disposition
83/72	Rev. 116/75	251/72	Rev. 264/72
85/72	Rev. 931/74	252/72	Rev. 264/72
86/72	Revkg.	253/72	Rev. 264/72
87/72	Rev. 69/73	254/72	Rev. 264/72
89/72	Rev. 289/72	256/72	Rev. 56/75
95/72	Rev. 159/72	261/72	Rev. 454/73
96/72	Rev. 158/72	264/72	Revkg.
97/72	Exp.	265/72	Rev. 594/72
108/72	Exp.	266/72	Rev. 267/74
109/72	Exp.	270/72	Rev. 262/73
110/72	Exp.	271/72	Rev. 444/72
111/72	Rev. 173/72	278/72	Exp.
116/72	Rev. 568/72	279/72	Exp.
118/72	Rev. 188/75	280/72	Exp.
121/72	Rev. 230/74	281/72	Rev. 407/73
123/72	Revkg.	282/72	Rev. 618/74
124/72	Rev. 323/72	283/72	Exp.
130/72	Rev. 272/73	284/72	Rev. 746/73
134/72	Revkg.	286/72	Exp.
136/72	Rev. 208/74	287/72	Rev. 752/74
141/72	Exp.	289/72	Rev. 117/73
142/72	Exp.	290/72	Rev. 594/72
155/72	Rev. 347/73	291/72	Rev. 719/73
157/72	Rev. 323/72	302/72	Rev. 568/72
158/72	Rev. 184/73	304/72	Exp.
159/72	Rev. 183/73	305/72	Rev. 413/72
162/72	Exp.	309/72	Rev. 439/74
163/72	Exp.	310/72	Exp.
166/72	Rev. 845/74	312/72	Rev. 713/73
167/72	Rev. 188/75	314/72	Rev. 48/73
168/72	Rev. 439/74	318/72	Rev. 367/74
169/72	Rev. 98/75	320/72	Rev. 495/72
175/72	Rev. 117/75	321/72	Rev. 16/75
181/72	Rev. 713/73	326/72	Rev. 349/73
184/72	Rev. 594/72	327/72	Exp.
185/72	Rev. 148/74	329/72	Rev. 178/73
189/72	Rev. 456/75	332/72	Rev. 184/73
190/72	Exp.	333/72	Rev. 183/73
192/72	Rev. 337/72	336/72	Rev. 336/73
203/72	Exp.	337/72	Rev. 69/73
205/72	Rev. 174/74	340/72	Rev. 22/75
206/72	Rev. 677/73	343/72	Rev. 464/72
208/72	Rev. 335/75	344/72	Exp.
210/72	Exp.	349/72	Rev. 439/74
218/72	Rev. 205/74	355/72	Exp.
220/72	Rev. 323/72	356/72	Rev. 578/75
222/73	Rev. 345/75	359/72	Exp.
228/72	Rev. 224/73	361/72	Rev. 544/72
232/72	Rev. 361/74	369/72	Rev. 31/73
236/72	Rev. 845/74	379/72	Rev. 686/73
237/72	Rev. 441/73	380/72	Rev. 236/75
238/72	Exp.	383/72	Rev. 241/74
244/72	Rev. 264/72	384/72	Rev. 148/74
246/72	Revkg.	385/72	Rev. 131/74
248/72	Exp.	386/72	Rev. 188/75
249/72	Rev. 264/72	387/72	Rev. 422/74
250/72	Rev. 264/72	388/72	Rev. 393/73

Ontario Regulations	Disposition	Ontario Regulations	Disposition
391 /72	Rev. 561 /74	588 /72	Rev. 331 /73
392 /72	Rev. 456 /75	596 /72	Rev. 372 /73
394 /72	Rev. 299 /73	598 /72	Rev. 174 /73
396 /72	Rev. 24 /74	3 /73	Exp.
412 /72	Rev. 514 /75	7 /73	Rev. 1 /74
413 /72	Rev. 48 /73	8 /73	Rev. 585 /75
416 /72	Rev. 627 /74	9 /73	Exp.
419 /72	Rev. 456 /75	16 /73	Exp.
420 /72	Rev. 732 /74	18 /73	Exp.
421 /72	Rev. 621 /74	23 /73	Exp.
424 /72	Rev. 713 /73	24 /73	Exp.
429 /72	Revkg.	29 /73	Rev. 55 /75
434 /72	Rev. 164 /73	37 /73	Exp.
444 /72	Rev. 263 /74	42 /73	Exp.
446 /72	Revkg.	48 /73	Rev. 474 /74
448 /72	Exp.	51 /73	Exp.
454 /72	Rev. 40 /75	52 /73	Exp.
456 /72	Rev. 713 /73	67 /73	Rev. 131 /74
461 /72	Rev. 48 /73	68 /73	Rev. 86 /74
468 /72	Rev. 439 /74	69 /73	Rev. 804 /73
469 /72	Rev. 175 /74	73 /73	Rev. 188 /75
476 /72	Revkg.	75 /73	Exp.
481 /72	Rev. 174 /73	83 /73	Rev. 148 /74
482 /72	Rev. 173 /73	87 /73	Rev. 92 /74
484 /72	Exp.	90 /73	Rev. 631 /74
486 /72	Exp.	92 /73	Revkg.
488 /72	Rev. 692 /74	101 /73	Rev. 235 /73
493 /72	Rev. 760 /74	112 /73	Rev. 569 /74
494 /72	Rev. 48 /73	117 /73	Rev. 431 /74
495 /72	Rev. 545 /74	119 /73	Rev. 618 /74
498 /72	Rev. 568 /72	120 /73	Rev. 618 /74
501 /72	Rev. 131 /74	121 /73	Rev. 26 /74
512 /72	Revkg.	125 /73	Exp.
514 /72	Rev. 439 /74	129 /73	Rev. 474 /74
515 /72	Rev. 552 /74	133 /73	Rev. 444 /73
522 /72	Rev. 48 /73	148 /73	Rev. 492 /73
523 /72	Rev. 393 /73	153 /73	Rev. 42 /75
530 /72	Rev. 482 /75	156 /73	Rev. 347 /73
535 /72	Rev. 131 /74	166 /73	Rev. 131 /74
536 /72	Rev. 101 /74	169 /73	Rev. 230 /73
544 /72	Rev. 547 /73	178 /73	Rev. 756 /74
550 /72	Rev. 618 /74	179 /73	Rev. 757 /74
552 /72	Rev. 618 /74	183 /73	Rev. 461 /73
553 /72	Rev. 618 /74	184 /73	Rev. 460 /73
554 /72	Rev. 971 /74	185 /73	Rev. 713 /73
558 /72	Revkg.	188 /73	Rev. 240 /73
560 /72	Rev. 105 /75	189 /73	Rev. 357 /74
563 /72	Rev. 206 /75	192 /73	Exp.
564 /72	Rev. 618 /74	214 /73	Rev. 101 /74
567 /72	Rev. 720 /73	222 /73	Rev. 345 /75
573 /72	Exp.	223 /73	Rev. 346 /75
574 /72	Exp.	227 /73	Rev. 429 /73
578 /72	Rev. 490 /75	228 /73	Exp.
579 /72	Rev. 752 /73	229 /73	Exp.
582 /72	Rev. 175 /74	231 /73	Rev. 140 /75
583 /72	Rev. 713 /73	235 /73	Rev. 407 /73
584 /72	Rev. 439 /74	239 /73	Rev. 183 /74

Ontario Regulations	Disposition	Ontario Regulations	Disposition
240 /73	Rev. 812 /73	494 /73	Rev. 949 /74
245 /73	Rev. 148 /74	503 /73	Rev. 425 /74
256 /73	Rev. 545 /74	505 /73	Rev. 707 /73
262 /73	Rev. 554 /73	506 /73	Rev. 708 /73
263 /73	Rev. 553 /73	508 /73	Rev. 360 /74
264 /73	Rev. 791 /73	509 /73	Rev. 396 /74
265 /73	Exp.	510 /73	Rev. 373 /74
268 /73	Rev. 423 /73	511 /73	Rev. 374 /74
273 /73	Exp.	512 /73	Rev. 376 /74
274 /73	Exp.	523 /73	Rev. 569 /74
328 /73	Rev. 73 /75	524 /73	Rev. 568 /74
331 /73	Rev. 703 /73	531 /73	Exp.
332 /73	Exp.	532 /73	Exp.
333 /73	Rev. 208 /74	534 /73	Rev. 756 /73
334 /73	Rev. 405 /73	547 /73	Rev. 448 /74
335 /73	Rev. 404 /73	548 /73	Rev. 238 /74
336 /73	Rev. 260 /74	549 /73	Rev. 237 /74
337 /73	Rev. 208 /74	553 /73	Rev. 707 /73
338 /73	Rev. 101 /74	554 /73	Rev. 708 /73
341 /73	Rev. 514 /75	555 /73	Rev. 456 /75
349 /73	Rev. 427 /73	557 /73	Exp.
352 /73	Rev. 471 /73	559 /73	Rev. 801 /73
354 /73	Rev. 534 /73	563 /73	Rev. 474 /74
361 /73	Exp.	569 /73	Exp.
362 /73	Rev. 643 /74	570 /73	Exp.
373 /73	Rev. 439 /74	571 /73	Exp.
374 /73	Rev. 799 /73	572 /73	Rev. 627 /73
378 /73	Rev. 797 /73	573 /73	Rev. 573 /74
383 /73	Rev. 804 /73	575 /73	Exp.
386 /73	Exp.	588 /73	Rev. 908 /74
389 /73	Exp.	590 /73	Rev. 260 /74
393 /73	Rev. 459 /74	591 /73	Rev. 345 /74
394 /73	Rev. 474 /74	595 /73	Rev. 792 /73
399 /73	Rev. 578 /75	596 /73	Exp.
400 /74	Exp.	597 /73	Exp.
402 /73	Rev. 545 /74	599 /73	Rev. 573 /74
403 /73	Rev. 569 /74	603 /73	Rev. 204 /74
404 /73	Rev. 458 /73	604 /73	Rev. 675 /73
405 /73	Rev. 457 /73	606 /73	Rev. 775 /73
406 /73	Rev. 343 /74	608 /73	Rev. 474 /74
407 /73	Rev. 462 /74	610 /73	Rev. 632 /74
411 /73	Exp.	611 /73	Exp.
415 /73	Exp.	625 /73	Rev. 800 /74
421 /73	Rev. 42 /75	627 /73	Rev. 25 /74
427 /73	Rev. 572 /73	634 /73	Rev. 889 /74
438 /73	Exp.	636 /73	Rev. 456 /75
441 /73	Rev. 573 /74	643 /73	Rev. 226 /74
445 /73	Exp.	644 /73	Rev. 618 /74
447 /73	Rev. 114 /74	654 /73	Rev. 435 /74
450 /73	Rev. 131 /74	657 /73	Rev. 474 /74
457 /73	Rev. 603 /73	659 /73	Rev. 474 /74
458 /73	Rev. 675 /73	662 /73	Rev. 462 /74
460 /73	Rev. 204 /74	664 /73	Rev. 174 /74
462 /73	Rev. 421 /74	665 /73	Rev. 421 /74
464 /73	Exp.	668 /73	Revkg.
465 /73	Exp.	670 /73	Rev. 225 /74
488 /73	Exp.	671 /73	Exp.

Ontario Regulations	Disposition	Ontario Regulations	Disposition
674/73	Exp.	166/74	Rev. 568/74
675/73	Rev. 226/74	167/74	Rev. 237/74
676/73	Rev. 754/73	169/74	Exp.
681/73	Exp.	170/74	Rev. 569/74
682/73	Exp.	173/74	Rev. 771/74
689/73	Rev. 717/74	189/74	Exp.
690/73	Exp.	203/74	Rev. 240/75
695/73	Exp.	204/74	Rev. 241/75
701/73	Exp.	208/74	Rev. 258/75
702/73	Exp.	211/74	Rev. 465/74
703/73	Rev. 94/74	235/74	Rev. 545/74
707/73	Rev. 827/73	236/74	Rev. 545/74
708/73	Rev. 828/73	242/74	Rev. 188/74
712/73	Exp.	243/74	Rev. 188/75
720/73	Rev. 837/74	252/74	Rev. 569/74
733/73	Rev. 711/74	253/74	Rev. 568/74
736/73	Revkg.	260/74	Rev. 32/75
738/73	Exp.	266/74	Exp.
739/73	Rev. 845/74	298/74	Rev. 108/75
748/73	Exp.	303/74	Rev. 619/75
753/73	Rev. 827/73	324/74	Rev. 352/74
754/73	Rev. 828/73	341/74	Rev. 417/74
756/73	Rev. 94/75	342/74	Rev. 418/71
757/73	Rev. 93/75	343/74	Rev. 557/75
768/73	Rev. 579/75	346/74	Rev. 427/74
769/73	Exp.	352/74	Revkg.
770/73	Rev. 611/74	357/74	Rev. 891/74
771/73	Rev. 609/74	361/74	Revkg.
789/73	Rev. 42/75	372/74	Revkg.
792/73	Rev. 382/74	382/74	Rev. 456/74
793/73	Rev. 184/75	386/74	Rev. 93/75
803/73	Rev. 676/74	401/74	Rev. 539/74
810/73	Rev. 232/75	402/74	Exp.
812/73	Rev. 890/74	409/74	Rev. 528/74
826/73	Exp.	410/74	Exp.
8/74	Rev. 456/75	412/74	Exp.
10/74	Rev. 67/74	413/74	Rev. 185/74
16/74	Exp.	417/74	Rev. 487/74
24/74	Rev. 382/75	418/74	Rev. 488/74
25/74	Rev. 346/74	422/74	Rev. 612/74
54/74	Rev. 127/74	424/74	Revkg.
55/74	Rev. 128/74	427/74	Rev. 598/74
58/74	Revkg.	442/74	Exp.
61/74	Revkg.	446/74	Rev. 545/74
69/74	Rev. 779/74	448/74	Rev. 683/74
71/74	Rev. 533/74	453/74	Rev. 192/75
80/74	Rev. 579/75	457/74	Exp.
89/74	Rev. 999/74	459/74	Rev. 150/75
92/74	Rev. 77/75	468/74	Rev. 699/74
94/74	Rev. 163/74	469/74	Rev. 698/74
99/74	Rev. 889/74	470/74	Rev. 92/75
101/74	Rev. 495/75	471/74	Exp.
127/74	Rev. 203/74	472/74	Rev. 108/75
128/74	Rev. 204/74	474/74	Rev. 555/75
135/74	Exp.	485/74	Rev. 230/75
157/74	Rev. 554/75	486/74	Rev. 232/75
163/74	Rev. 401/74	488/74	Rev. 742/74

Ontario Regulations	Disposition	Ontario Regulations	Disposition
490 /74	Exp.	788 /74	Rev. 193 /75
493 /74	Exp.	792 /74	Rev. 240 /75
506 /74	Exp.	793 /74	Rev. 456 /75
510 /74	Exp.	796 /74	Rev. 469 /75
511 /74	Rev. 619 /75	819 /74	Rev. 998 /74
519 /74	Exp.	821 /74	Exp.
520 /74	Rev. 529 /74	830 /74	Rev. 67 /75
529 /74	Revkg.	846 /74	Rev. 92 /75
537 /74	Exp.	890 /74	Rev. 231 /75
538 /74	Rev. 785 /74	891 /74	Rev. 233 /75
539 /74	Rev. 693 /74	896 /74	Exp.
541 /74	Exp.	920 /74	Rev. 66 /75
543 /74	Rev. 258 /74	921 /74	Rev. 311 /75
560 /74	Exp.	922 /74	Rev. 312 /75
564 /74	Rev. 568 /74	930 /74	Exp.
565 /74	Rev. 569 /74	934 /74	Exp.
567 /74	Rev. 828 /74	935 /74	Exp.
575 /74	Rev. 649 /74	939 /74	Rev. 214 /75
576 /74	Rev. 650 /74	959 /74	Rev. 37 /75
578 /74	Rev. 621 /74	965 /74	Rev. 178 /75
579 /74	Rev. 792 /74	979 /74	Rev. 141 /75
580 /74	Rev. 742 /74	980 /74	Rev. 142 /75
598 /74	Rev. 920 /74	985 /74	Exp.
635 /74	Exp.	986 /74	Exp.
644 /75	Rev. 419 /75	990 /74	Rev. 264 /75
646 /75	Exp.	991 /74	Exp.
647 /75	Exp.	21 /75	Rev. 280 /75
648 /75	Exp.	44 /75	Rev. 240 /75
649 /74	Rev. 741 /74	45 /75	Rev. 241 /75
650 /74	Rev. 742 /74	66 /75	Rev. 139 /75
653 /74	Rev. 92 /75	67 /75	Rev. 141 /75
659 /74	Rev. 150 /75	68 /75	Rev. 241 /75
661 /74	Exp.	141 /75	Rev. 311 /75
664 /74	Rev. 239 /75	142 /75	Rev. 312 /75
675 /74	Rev. 258 /75	143 /75	Rev. 603 /75
683 /74	Rev. 332 /75	146 /75	Exp.
697 /74	Exp.	147 /75	Exp.
717 /74	Rev. 470 /75	148 /75	Exp.
720 /74	Rev. 565 /75	163 /75	Exp.
721 /74	Exp.	264 /75	Rev. 566 /75
722 /74	Rev. 456 /75	376 /75	Rev. 428 /75
731 /74	Exp.	400 /75	Rev. 586 /75
740 /74	Exp.	436 /75	Rev. 603 /75
741 /74	Rev. 44 /75	452 /75	Rev. 568 /75
742 /74	Rev. 68 /75	469 /75	Rev. 601 /75
747 /74	Exp.	520 /75	Rev. 578 /75
760 /74	Revkg.	607 /75	Rev. 615 /75
785 /74	Rev. 422 /75		



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